TELOS

NUMBER 127 SPRING 2004

Articles:

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On Schönberg, Adorno, and Bloch
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The French Syndrome
Ludovico Incisa Camerana

US: $12 *Canada: $15*

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One-year Individual . . . $50.00 One-year Institutional $100.00
Two-years Individual . . . $100.00 Two-years Institutional $200.00
(Foreign Subscribers, including Canadian, add 20%)

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Back Issues available: ns. 13, 17-18, 20-51, 53-126 at $20.00 each ($45.00 for institutions). Foreign orders, add 20%. For the "Table of Contents" of all back issues, see our Web site. All payments must be in U.S. currency. Out of print issues (ns. 1-12, 14-16, 19, 52) can be obtained in microform or facsimile through University Microfilms, 300 North Zeeb Rd., Ann Arbor, MI 48106, US.

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Telos number 127 corresponds to Vol. 34, No. 1. ***Telos*** is published in the Spring, Summer, Fall, and Winter by Telos Press, Ltd. Periodicals postage paid at New York and additional mailing offices. Send address changes and inquiries to:

Telos
431 E. 12th Street, New York, NY 10009
© 2003, Telos Press Ltd. ISSN 0090-6514
Tel.: # 212-228-6479 Fax: # 212-228-6379 e-mail: telospress@aol.com
Website: www.telospress.com

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The Long March out of the 20th Century

Robert D'Amico and Paul Piccone

As temporal segments, centuries are usually arbitrary ways of measuring the past. Today, however, they tend to be redefined in terms of events and historical watersheds. Thus, most historians saw the end of the Cold War as marking the closing of the 20th century, and compressed the century into a significantly shorter time-span going from the beginning of WWI to the collapse of the Soviet Union. By the time the first major war broke out in 1914, the Eurocentric system of nation-states — what Carl Schmitt called the *jus publicum Europaeum* — was definitively over. Only because of the Bolshevik revolution and the subsequent development of a bipolar world (which practically froze history for over 70 years), there were no major institutional or ideological changes in the new world order. When this historical "parenthesis" was finally closed in 1989, however, the expected watershed did not happen. Instead, the end of the threat of a third world war and the new, unchallenged hegemony of the one remaining superpower encouraged a geopolitical and intellectual complacency that was shaken only by the events of 9/11. Unprepared to confront the sudden Islamic fundamentalist attack, the US reaction was immediate, yet chaotic and erratic. The still predominant linear thinking that led to the duplication of the Vietnam misadventure in Afghanistan and Iraq, however, has not remained the exclusive *modus operandi* of bureaucrats and technocrats, but thrives also in paralyzed, "politically correct" academic institutions mired in pseudo-radicalism and conformity — especially when concealed behind Marxist or even "negative dialectical" pretenses. Even if postmodernity did succeed in fracturing modernity, it paved the way for all kinds of abstract alternatives whose infinite multiplication left everything unchanged.

As the distinctive 20th century ideology, modernity and its most extreme manifestations — communism, fascism and Nazism — failed to universalize their alleged axiological neutrality that had resulted in the kind of nihilism and ruthlessness of the Lagers and the Gulags — not to mention the Holocaust, Katyn, Bosnia, Rwanda, etc. — because of the perseverance of recalcitrant traditional residues deeply embedded in long-standing Western institutions. Yet, modernity and its

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successor, postmodernity, remain the broad horizons within which all problems are still framed, despite the fact that they have provided no viable solutions but, at best, only misleading ones. Although the kind of theoretical watershed prefigured but never registered after 1989 had finally arrived with 9/11 and the beginning of a new world order, and even the stagnant intellectual waters of academia are beginning to stir with the realization of the need for radical desecularization and the refunctioning of allegedly long-since buried traditions, the paladins of 20th century modernity are still celebrated as the starting point of any future critique.

In a well-documented and clearly argued analysis of Arnold Schönberg's impact on major 20th century thinkers such as Ernst Bloch and Theodor W. Adorno, Roger W. H. Savage defends the "resonance" of Schönberg's radical break with tradition with "postmodern critiques of grand historical narratives" and the bankruptcy of Enlightenment thought. By rejecting tonality and the false reconciliation it entails, Schönberg's emancipation of dissonance exposed the ineliminable contradictory character of modern society and thus avoided what he indicted as the conformist outcome of all previous Classical and Romantic music. According to Savage, although both Adorno and Bloch were mildly critical of Schönberg's contribution,[1] at the same time they integrated it in their respective negative dialectic and philosophy of hope. Whether these projects have achieved any modicum of success, however, remains unclear. Today, Schönberg's music is either marginalized or absorbed within Hollywood movies and, at any rate, is no longer a movement for composition; Adorno's aesthetics and negative dialectics have become fig-leaves for bad art, impenetrable philosophy and new modes of academic passivity; while even before he left East Germany in 1956 Bloch's

1. While Schönberg did make the contributions Adorno and Bloch celebrated, his career was much more complicated. He began as a late Romantic (a follower of Brahms and Mahler) and remained throughout his life a teacher of composition and harmony, although one concerned with the need for a disciplined response to the collapse of harmonic structure in Western music. Specifically, Schönberg criticized what he considered improvisational and *ad hoc* atonal compositions (such Debussy's) and those criticisms were very much taken to heart by Adorno (e.g. in his famous essays criticizing jazz as "comformist" music). Though not the inventor of serial techniques, Schönberg gradually evolved a complicated defense of the 12 tone row as the only viable alternative for composers and invented an elaborate series of rules that he claimed would allow composition, entirely outside of the harmonic major and minor scales. But even when he was promoting the 12 tone row, his compositions do not always adhere to these arcane rules, and later in life he abandoned the entire approach. Despite the usual emphasis on Schönberg's vindication of dissonance, a good case can be made that any serial compositions remain connected to and dependent upon standard harmonic relations. In other words, no outright rejection of tradition is ever possible in practice. Adorno, however, presents Schönberg onesidedly, and tonality not only as bankrupt but sustained by the evils of bourgeois society. Adorno's defense is all in rigidly ideological and moralistic terms, and he ignores doubts about the viability of serialism — doubts which he dismisses as symptoms of false consciousness. See Joseph Auner, *A Schönberg Reader: Documents of a Life* (New Haven, CO: Yale University Press, 2003); and Allen Shawn, *Arnold Schönberg's Journey.* (New York: Farrar, Strauss and Giroux, 2002).

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principle of hope had either been buried in Stasi and KGB files as a covert version of what Diamat regarded as the dreaded "Third Way," or dismissed by Soviet propaganda as a well-meant, but hopelessy utopian project (i.e., what Engels ridiculed as "utopian socialism").

Despite Adorno's critique of Schönberg's vindication of dissonance as "the non-identical remainder of harmony," i.e., what should not have fit in any totalizing account, and thus had remained trapped within "the performative contradiction of a totalizing critique" presupposing precisely the kind of traditional framework he sought to displace, Savage celebrates Schönberg's break with tradition as his major achievement. Allegedly, tonal unity sought to give the impression of historical coherence, thus occluding the contradictory character of reality responsible for 20th century catastrophes. It is not obvious, however, why human longings for the kind of reconciliation and harmony that obtain only in unfulfilled dreams and aspirations (and are therefore inextricable parts of any account seeking to provide credible historical explanations) are to be automatically excluded from art in general (as in Adorno[2]) or from music in particular (as in Schönberg). Of course, art should not provide an apology for 20th century catastrophes by either occluding them or providing false reconciliations. Yet, even terribly disastrous longings for, e.g., Arian supremacy and its projected racist reconciliation, cannot be ignored in any depiction or explanation of what happened in the 20th century.

Although elsewhere Adorno often rejected the positivist reduction of reality to the immediately given, he had no qualms about endorsing the positivist restrictions of artistic renditions into the immediately given in order to capture

2. This extreme and ultimately absurd Adornian position about traditions is the result of the failure to come to terms with them. This is why Adorno always waffled about traditions, as when he acknowledges both their obsolescence as well as their ineliminability: "There is no tradition today and none can be conjured, yet when every tradition has been extinguished the march toward barbarism will begin." See Theodor W. Adorno, "On Tradition," in *Telos* 94 (Winter 1992-93), pp. 78. That must mean that tradition can actually be reactived, if not within what he misread as "the totally administered society," at least at some future time under different conditions. He thought of traditions as things of the past, and only "that which inexorably denies tradition may once again retrieve it" (p. 82) — which means that, occluded and repressed, traditions still thrive somewhere and can be readily reappropriated. Unacquainted, as usual, with real American realities, he nonchalantly denounced "The absence of traditional aspects of culture in the US" (p. 75), whereas, e.g., mid-Western American culture is incomprehensible without its traditional heritage. He spoke of "the critical relation to tradition" (p. 78) without realizing the extent to which the inherent inner dynamics of traditions had only been temporarily occluded and often outright suppressed by modernist ideology. As Alain de Benoist demonstrates, today "the criticism of modernity comes from all sides," most of all from rehabilitated traditions. See Alain de Benoist, "Tradition?" in *Telos* 94 (Winter 1992-93), p. 87. When all is said and done, Adorno's apparent rejection of traditions has to do with his absurd belief in the disappearance of the subject and the irredeemability of the present, which helps explain his admiration for Schönberg's rejection of tonal unity and the reconciliation of discord, in favor of the vindication of dissonance.

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its contradictoriness, thus breaking with traditional modes of representations and ruling out any projections of possible future reconciliations. This obsession with an unrelenting indictment of "suffering" — something immensely intensified and magnified by the assembly-line efficiency deployed in carrying out the Holocaust, but actually part and parcel of all of history — results not only in Adorno's indefinite postponement of all utopian expectations unrealizable in a world with no subjects or otherness left, but, as Savage emphasizes, in the separation of critique from any practical application. Schönberg's suppression of tonality in favor of dissonance has even worse nihilistic consequences, which fit well with postmodern deconstruction and its delegitimation of conventional dictates. The hyposthetization of the crisis of reason to the level of the main *explanans* of 20th century catastrophes actually occludes the crisis of modernity, and the historical rupture it precipitates by developing a new musical form results in musical chaos and the celebration of nihilism. It may not be altogether accidental that as a result, in *Doctor Faustus*, Adrian Leverkühn, Thomas Mann's characterization of Schönberg, eventually goes crazy.[3]

Schönberg's rejection of tradition as an expression of the spirit of a bankrupt age fit well with Bloch's critique, predicated on the anticipatory structure of consciousness and its break with the false reconciliation promised by allegedly long-since exhausted bourgeoise ideals. Here too, however, it remains a mystery how the anticipatory structures of consciousness can give birth to hopes transcending bourgeois ideals, and come out fully constituted *conceptually* as Minerva came out of Zeus' head. Desires, longings and the feelings that something is missing first manifest themselves at the level of the *Lebenswelt*, where they do not automatically take on a readily communicable *conceptual* form, but can only do so through the mediation of tradition-laden language and inherited ideas, goals and visions of the future. Recourse, along with Adorno and Schönberg, to a confused concept of reason pretending to embody these hopes, goals, and the abolition of suffering independently of the historical context within which they are expressed

3. The chapter of *Doctor Faustus* that outlines the twelve-tone compositional method also describes the composer Adrian Leverkühn as driven by a need to restore order and discipline to art (in the story Leverkühn believes he made a deal with the devil, who appears to him during a fever hallucination, to get 20 years of musical greatness for the cost of his soul). In the description of these strange events, there are digressions dealing with WWII and the fall of Nazism, as though somehow they shed light on the composer's life. When the novel appeared, Schönberg wrote Mann a letter accusing him of plagiarism, since the twelve-tone technique was described in detail in the novel, but not identified as "belonging" to Schönberg. Though Mann protested that this was not appropriate within a literary work, he relented and acknowledged that "the twelve-tone or row system, is in truth the intellectual property of a contemporary composer and theoretician, Arnold Schönberg." This sentence only made matters worse. Schönberg thought it belittled him and he read it as thinly veiled sarcasm, as it may well have been. What is interesting here is that in writing the novel, Mann may have been greatly influenced by Adorno's reductive and rigid view of Schönberg's achievement.

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removes them from conscious human choices and embeds them in altogether independent natural processes often identified, as in the case of Bloch, with a determinist — and mistaken — Marxist understanding of economic logic.

But reason is only *ratio* (what the Frankfurt School designated as instrumental reason) or the Kantian *Verstand:* a contentless conceptual mechanism not to be confused with *Vernunft*, discussed in *The Critique of Pure Reason*, which, in smuggling in extraneous content, ends up in stultifying antinomies, or the Greeks' *Logos* — a theological notion inextricably bound with the Greeks' general *Weltanschauung*. Today, however, the socio-historical content that reason articulates, and which at the beginning of the 20th century modernity precipitated into crisis in its failed attempt to break with the past, is precisely what is promised by refunctioned traditions which, far from being merely conformist residues projecting false ideals and possible reconciliations, constitute the kind of subjectivity and intersubjectivity that Adorno thought were either altogether dead or manipulated by the culture industry. Rejecting them breaks continuity with the past, but in so doing it also renders problematic and arbitrary any relation to the future. While Bloch's critique is focused specifically on what he regarded as exhausted bourgeois ideals, and thus sought constantly to locate these human longings and aspirations in various movements throughout history (and he had to, if he considered these longings part of everyone's anticipatory structures of consciousness anywhere), it also explains his commitment to Marxism as a science (!), promising the achievement of a "classless" society — what turned out to be a forcibly homogenized aggregation of abstract sub-individuals managed by a Communist Party entrusted with the genesis of communist society, the most oppressive of all possible "totally administered societies."

All of these paradigmatic 20th century projects have faded into irrelevance with the geopolitical earthquake precipitated by 9/11 — and even then the general lack of new political visions within the ruling elites has only resulted in the uncritical extension of old and obsolete categories. The same failure obtains in the intellectuals' efforts to understand the changes in the new world order. Stuck in postmodern nihilism, predominant academic schools still find it difficult to go beyond secular thought after Al Qaeda in particular and Islamic fundamentalists in general have brutally exposed the pseudo-universality of Western secular institutions. It is now clear not only that the foundations of Western political institutions are not neutral, but that their desecularization is essential in order to understand the new geopolitical predicament. Such a process is already underway in the academic margins, with new groups such as, e.g., "Radical Orthodoxy," whose relevance is beginning to be appreciated, but is still not fully understood. Consequently, despite the brilliance of young new scholars such as John Milbank and Catherine Pickstock (whose work has been published regularly in *Telos*), the hidden problems with their profound, yet uncritical refunctioning of traditions — especially Catholic and Episcopalian Thomism — have not been

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discussed, resulting in a perpetuation of the early 20th century stalemate between traditions and modernity.

The problem with refunctioning traditions is that, in the 21st century, they can no longer be presented as set once and for all. To the extent that, e.g., the Catholic Church continues to insist on this immutability, it keeps plunging more and more into a crisis with no possible resolution. This is not directly related to current red-hot issues such as abortion, homosexuality, gay marriages, etc., or with Vatican II's questionable "liberalization" of the clergy's *modus operandi* (resulting in widespread sexual miscunduct) as a misguided strategy to safegard fundamental theological orthodoxy, but to an obsolete doctrinal dogmatism increasingly impossible to defend — which explains why the Church has been articulating its theological and philosophical foundations less and less. Complacently committed to a Thomism whose crusty realism remains guaranteed by an equally unquestionable belief in revelation, the Church has for many centuries, despite periodic waves of corruption and scandals, found this convenient as a legitimation for its bureaucratic apparatus. If revelation defines Being once and for all, the only role of the concept is to capture and represent accurately the structure of the object, and to defend the institutional arrangements developed historically to administer morality, social relations and political structures. Not accidentally, so organized the Church has always had problems with changing realities and, despite its high moral standards, is usually a penny short and a day late.

Within the history of the Church, however, there are redeeming features which prefigure alternative ways of dealing with traditions and thus break its stalemate with a failed modernity. As a *complexio oppositorum*, the Catholic Church encompasses a multitude of traditions, some of which may be susceptible to rehabilitation and promise to provide viable solutions to otherwise irresolvable quandaries. It is no accident that one of the first repressive measures deployed by Bonaventure and Thomas Aquinas in their effort to codify Catholic dogma in the mid-13th century was to forcefully reintegrate within the Church the burgeoning Franciscan movement and its mystical doctrines, which in only a few decades had practically altered the face of Europe. Why was the Franciscan movement so successful in a context in which scores of other radical monks were not? And why was the Paris Catholic bureaucracy so adamant not only in consciously distorting St. Francis' teachings (Bonaventure had no second thoughts in having all earlier accounts of St. Francis' life and work destroyed, and in coercing St. Francis' official biographer, Celano, into rewriting a fictitious biography more suitable to Paris' taste), but also in systematically persecuting those followers of St. Francis (the *fraticelli*) still committed to the original teachings? Unlike the wooden realism being patched together in Paris by certified Church functionaries, St. Francis' naturalism, his mysticism and the advocacy of "love" as the only path to divinity prefigured a never-activated flexible Catholicism based on "charity," rather than raw power relations. Clearly, within such a theological context,

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unlike Luther's famous theses, Catholic doctrines could never be nailed once and for all to the door of the central bureaucracy and were subject to reinterpretation whenever new social and political conditions warranted it.

Despite Church repression, the Franciscan movement thrived and gradually developed a subtle alternative to official bureaucratic Thomism with the development of the nominalism of devout Franciscans such as William of Ockham and Duns Scotus. If revelation is seen as part of a mystical experience susceptible to a variety of deeply personal interpretations, the work of God as objectified into a blossoming nature irreducible to the Thomists' crude instrumental level, and conceptual representations as necessarily unilateral constructs, Catholic traditions lose their fixity and become open to readaptations and reinterpretations able to provide credible foundations for *particularistic* cultures within the horizon of a universality inaccessible to mere mortals. Of course, Church corruption and the subsequent Protestant Reformation led to a stiffening of official Catholic doctrine, which made traditions even more inflexible than they had been in the past. Yet, alternative approaches did survive outside Church orthodoxy in, e.g., John Dewey's early pragmatism and Husserlian phenomenology which, unlike its current fashionable reinterpretation restricted only to Derrida's nihilistic deconstruction, actually describes the process of deconstruction as the first reduction, to be followed immediately by a second one, still embodying the original teleology, but no longer trapped in earlier, no longer adequate formulations. In other words, traditions can be refunctioned and thus can reactivate those civilizational foundations modernity sought to eliminate at the cost of plunging into a hopeless nihilism.

The predominance of 20th century modernist thought not only plunges intellectual life into a nihilism and irrelevance that, in cleansing students' self-understanding of all traditional residues, produces new generations of people unable to sustain a healthy stable life, but continues to infect geopolitical relations. Thus, based on an obsolete understanding of politics, the response to 9/11 has been a colossal failure. The US government's enthymeme that for non-Western cultures to enter a globalized world and break with brutal premodern practices — practices fostering instability in the Middle-East and generating absolute enmity *vis à vis* the West — it is essential not just to complete the difficult process of nation-building, but also to "democratize" these countries, still presupposes the universality and exclusivity of the Western political model, and the institutional underdevelopment of any other culture. Therefore, these other cultures are not seen as "different," but as "immature" versions of Western ones, to be nurtured into normality by imposing liberal-democratic norms. The result has been a massive rise of anti-Americanism everywhere in the world, and a geopolitical stalemate where, despite its overwhelming superiority, US political, economic and military power cannot be effectively deployed.

Anti-modernist scholars, however, have analyzed the trajectory of the 20th century rather differently and, as a result, have been able to foresee many of the new

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geopolitical problems that seem to have caught everyone else by surprise. In an almost prophetic essay originally written in 1963 and translated in this issue of *Telos*, Carl Schmitt not only prefigures some of the problems that the US now faces, but also the difficulties involved in seeking to solve them. While already in the 1920s Schmitt had provided a clear account of "political theology," an approach to politics that very few modernists understood and systematically confused with theology as such, most liberals dismissed it as a fascist idiosyncrasy, while Nazi theoreticians such as Alfred Rosemberg readily indicted it as Catholic ideology (which in 1936 led to Schmitt's expulsion from the party as a pseudo-Naz)i. In a nutshell, political theology simply claimed that all political concepts are secularized versions of theological concepts, and, consequently, to attempt to vindicate their universality and uniqueness would have been an unwarranted recycling of theology. This is why Schmitt always emphasized the Eurocentric character of Western political theory, and claimed that liberals, mired in a universalism that regarded any particularity as variations on the same theme, could not really deal with politics. It is no accident that, despite the initial outright military invasion of Iraq, the US regards its current strategy — no matter how catastrophic it is — as a pedagogical effort *vis à vis* a politically immature Iraqi society in need of "democratization."

Already in his 1963 essay on "The Theory of the Partisan" — a careful reconstruction of the role of the partisan during the past two centuries in modifying the concept of war — Schmitt indicates how the breakdown of the Eurocentric system of nation-states undermined the shared axiological horizon which, among other things, allowed for the bracketing of war, and led to the particularization of values. The liberals' commitment to a fictitious universalism and to the neutrality of their political model (which *de facto* blurs any difference in the geopolitical vision of both the American Republican and Democratic parties) sought throughout the 20th century — and continues today by adhering to a political theory that refuses to acknowledge its historical obsolescence — to deny its *particularistic* traditional foundations and therefore to avoid anything connected with desecularization. The explosion on the world scene of a never-secularized Islamic fundamentalism terminally committed to its own particular values, however, makes the US approach impossible to sustain much longer.[4] The modernist celebration of the break with traditions must now give way to their refunctioning.

This inability to finally escape the 20th century is not just a US predicament

4. As Schmitt put it: "Those who posit a value always also posit, *eo ipso*, a non-value. The sense of this positing of non-value is the annihilation of non-value." As a result, "the danger lies in the inescapability of a moral obligation. Those men . . . feel compelled to destroy these other men, i.e., their victims, even morally. They must brand their opponents as criminal and inhuman, as an absolute non-value, otherwise, they themselves would become criminals and monsters. The logic of value and non-value unfolds all of its destructive consequence, and forces the creation of ever newer and deeper discriminations, criminalizations, and devaluations, up to the point of the annihilation of every life unworthy of existing."

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but is also typical of Europe — particularly France and Germany. As Pierluigi Mannitti and Ludovico Incisa Camerana show respectively, both France and Germany remain trapped not only in an obsolete geopolitical quandary, but even more importantly, in economic models fostering stagnation and decline. Unwilling to acknowledge US hegemony in a long-since globalized world, both countries threaten to split the EU into an "old" and a "new" Europe, thus reinforcing, rather than weakening the US' new geopolitical role. The squabble with the US has nothing to do with redefining relations with the Arab world in general and Iraq in particular, but with substituting a broader UN pedagogical and mediational role (and, *ipso facto*, Franco-German economic control) with that of the US, in a new, no longer Eurocentric but still impossible to recycle version of the old *jus publicum Europaeum*. French and German insistence on an upgraded deployment of what Italians used to call "*transformismo,*" i.e., changing everything in order to keep everything the same, perpetuates socio-economic stagnation and places them more and more in a collision course with other European countries no longer willing to accept French and German leadership.

An even worse predicament can be found in Australian politics. As Andrew Fraser shows in a detailed analysis of recent political conflicts between the government and a new grass-roots party, far from fostering democracy and pluralism, the Australian managerial state has been doing all it can to restrict free expression and local autonomy. Within the old 20th century technocratic model, the Australian system undermines liberal-democratic values and fosters a political involution which, according to Fraser, can only be reversed by reconsidering federal principles and breaking with New Class hegemony. To a great extent, it is precisely this New Class intellectual hegemony, which in Europe has historically meant the predominance of communist ideology, that is responsible for the strident anti-Americanism still lingering in most of Europe. In a study of the post-WWII communist press in Italy, Elena Aga Rossi and Giovanni Orsina describe how the Italian Communist Party dealt with the US and its policies, and how this rather successful strategy continues to condition Italian political thinking even more than the conformist modernism rapidly fading practically everywhere else. Whether the long march out of this catastrophic 20th century can be completed any time soon remains to be seen.

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Theory of the Partisan: Intermediate Commentary on the Concept of the Political (1963)[1]

Carl Schmitt

INTRODUCTION

View of the Initial Situation 1808-13

The starting point of our considerations concerning the problem of the partisan is the guerrilla war that the Spanish people waged against the army of a foreign conqueror between 1808 and 1813. In this war, a pre-bourgeois, pre-industrial, pre-conventional people for the first time confronted a modern, well-organized, regular army that had evolved from the experiences of the French Revolution. This opened new horizons to the art of war, paving the way for a new understanding of the strategy and ultimately a new theory of war and politics.

1. Published originally as *Theorie des Partisanen: Zwischenbemerkung zum Begriff des Politischen*, 2nd ed. (Berlin: Duncker und Humblot, 1975). Dedicated to Ernst Forsthoff on his 60th Birthday (September 13, 1963). This discussion, *Theory of the Partisan,* originated in two lectures I delivered in 1962: on March 15, in Pamplona, at the invitation of General de Navarra College; on March 17, at the University of Saragossa, at meetings organized by the General Palafox School, at the invitation of its director, Professor Luis García Arias. The lectures were published by the Palafox Professorship at the end of 1962. The subtitle, *Intermediate Commentary on the Concept of the Political*, has reference to the concrete moment of publication, when the publisher [of *The Concept of the Political*] was making my 1932 work available once again. In the last decades, a number of corollaries on the subject have appeared. This discussion is not such a corollary, but rather an independent, if sketchy, work, whose theme unavoidably flows into the problem of the distinction between friend and enemy. Thus, I would like to offer this elaboration on my 1962 lectures in the modest form of an intermediate commentary, and in this way to make it accessible to all those who have followed attentively the difficult discussion of the concept of the political.

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The partisan fights as an irregular. But the difference between regular and irregular combat depends on a clear definition of what is "regular," and finds only in modern forms of war organization, which originated in the wars that ensued after the French Revolution, its real antithesis and therefore its true definition. In history, there have always been war regulations and rules of engagement, and consequently there have been also transgressions and violations of these rules. Examples that can be defined as instances of partisan war have occurred in all periods of great crisis, in Germany during the Thirty Years War (1618-48), and in all civil and colonial wars in world history.

In elaborating a general theory of the partisan it is important not to forget that the significance of his "irregularity" depends on the importance attributed to the "regular" that the partisan struggle questions. It is precisely this regularity of the state, as well as of the army, that receives from Napoleon a new and exact definition, both for the French armed forces and the state. The countless Indian wars of the white conquerors against the American redskins from the 17th to the 19th century, as well as the riflemen's methods during the American War of Independence against the regular English army (1774-83), and the civil war in the Vendée between Chouans and Jacobins (1793-96) must all be located in a pre-Napoleonic stage. The new art of war of Napoleon's regular army was the result of a new way of fighting — a revolutionary one.[2]

The partisan of the 1808 Spanish guerrilla war was the first who dared to fight irregularly against a modern, regular army. In the fall of 1808, Napoleon had defeated the regular Spanish army. The first Spanish guerrilla war began only after this defeat. Even today we still do not have a complete, documented history of the Spanish partisan war. According to what Fernando Solano Costa claims in his essay *Los Guerrilleros*, such a history seems necessary, but it is a difficult task, since the Spanish guerrilla war consisted of at least 200 regional small wars in Asturias, Aragon, Catalonia, Navarra, Castile etc., each under a different leader,

2. Eberhard Kessel, "Die Wandlung der Kriegskunst im Zeitalter der französischen Revolution," in *Historische Zeitschrift*, Vol. 148 (1933) pp. 248 f., and Vol. 191 (1960), pp. 397 ff., which is a review of Robert S. Quimby, *The Background of Napoleonic Warfare: The Theory of Military Tactics in Eighteenth Century France* (New York: Columbia University Press, 1957); Werner Hahlweg, *Preussische Reformzeit und revolutionärer Krieg*, Supp. 18 of the *Wehrwissenschaftlichen Rundschau* (Sept. 1962), pp. 49-50: "From the new way of fighting of the revolutionary mass army, Napoleon developed a complete system in an exemplary way: its military operations on a grand style, its great tactic and its great strategy." The Prussian officer and publicist Julius von Voss wrote that Napoleon's whole 1806 campaign "could be defined as a guerrilla war on a grand scale," p. 14.

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whose name is shrouded in legends and myths.[3] Juan Martín Díez, who became a terror for the French under the name *Empecinado* [the incorrigible], was one of them and rendered unsafe the road connecting Madrid to Saragossa.[4] This partisan war was waged on both sides with the most gruesome cruelty, and it is no wonder that more historical material was given to the press by cultivated writers, the only ones able to wrire books and memoirs, than by the guerrilla fighters. Obviously, these intellectuals were pro-French *afrancesados*. At any rate, between myth and legends, on the one hand, and documented history, on the other, the general lines of our initial situation remain clear. According to Clausewitz, half of the entire French army was often posted in Spain, and

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3. In the publications of the General Palafox School, see *La Guerra Moderna* (1955): Fernando de Salas Lopez, *Guerrillas y quintas columnas* (Vol. II, pp. 181-211); in *La Guerra de la Independencia Española y los Sitios de Zaragoza* (1958): José Maria Jover Zamora, "La Guerra Española de la Independencia en el Marco de las Guerras Europeas de Liberacion (1808-1814)," pp. 41-165; Fernando Solano Costa, "La Resistencia Popular en la Guerra de la Independencia: Los Guerrilleros," pp. 387-423; Antonio Cerrano Montalvo, "El Pueblo en la Guerra de la Independencia: La Resistencia en las Ciudades," pp. 463-530. Luis Garcia Arias' two fundamental essays, "Sobre la Licitud de la Guerra Moderna," and "El Nuevo Concepto de Defensa Nacional" can be found, respectively, in *La Guerra Moderna y la Organisacion Internacional* (Madrid: Instituto de Estudios Politicos, 1962), Vol. I; and in *Defensa Nacional* (1960). At the end of the previously cited article, Costa points out that, hitherto, there is no documented history of the Spanish popular movement against Napoleon. Yet, we must consider his essay, along with that of Jover Zamora, an outstanding summary, and recall with gratitude that, for us, it has been an important source of information. Spanish historical works deal with guerrilla wars in various ways, but they have not provided for today's readers a sufficiently comprehensive picture. See Conde de Toreno, Modesto Lafuente, Rodriguez de Solis, José M. Garcia Rodriguez) and, in a very detailed account, José Gomez de Arteche, in Vols. 4, 5, 7, 9, 11, and 14 of his history of the war of Independence. An examination of French, English, and German publications would lead us too far astray. For an excellent overview of all these, see Fernando Solano Costa, "El Guerillo y su Trascendencia" in the publications of the *Congreso Historico Internacional de la Guerra y su Epoca* (Saragossa: Institucion Fernando el Catolico, March-April 1959). See also Santiago Amado Loriga, *Aspectos Militares de la Guerra de la Independencia*, and Juan Mercader Riba, *La Organizacion administrativa Francesca en España*, in the same set of publications.

4. Costa, "Los Guerilleros," *op. cit.*, pp. 387, 402, and 405; Gregorio Marañon has published a Spanish translation of the section on *Empecinado* in Frederick Hardman, *Peninsular Scenes and Sketches* (Edinburgh and London: W. Blackwood & Sons, 1846). [See *El Empecinado visto por un inglés* (Buenos Aires: Espasa-Caalpe, 1946), with a prologue by Marañon]. In Vol. 14, José de Arteche has published as an appendix a lecture on *Empecinado*. Along with *Empecinado*, mention should be made of Priest Merino, to whom the last account in the above-cited *Empecinado* published by Marañon is dedicated. *Empecinado* and Priest Merino found themselves standing on two different barricades when, in 1823, the French invaded Spain on the directives of the Holy Alliance: *Empecinado*, on the side of the constitutionalists; Priest Merino, on the side of the French absolutists.

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half of them, i.e., 250-260,000 men, were often checkmated by guerrilla fighters, whose number has been estimated by Gomez de Arteche at 50,000, and by others as much lower. The situation of the Spanish partisan in 1808 is characterized primarily by the fact that he engaged in war only on his own soil, while his king and his family were not yet able to tell exactly who the real enemy was. From this viewpoint, the legitimate authorities in Spain did not act differently from the ones in Germany. In addition, typical of the Spanish situation is that the educated strata of the nobility and of the high clergy, and even of the bourgeoisie, were mostly *afrancesados,* i.e., they sympathized with the foreign conqueror. This is why there are parallels with Germany, where the great German poet Goethe wrote hymns glorifying Napoleon and the German educated elite never succeeded in developing a clear idea of what should be its political idea. In Spain, it was the guerrilla, a poor devil, the first typical case of that cannon fodder used by great world powers for their armed conflicts, who ran the risk of a hopeless fight. All of this fits, almost like an overture, in a theory of the partisan.

At that time, a spark jumped from Spain to Northern Europe, but up there it did not ignite the same fire that gave the Spanish guerrilla war its historical significance. It provoked, however, a series of reactions whose effectiveness reaches our days, this second half of the 20th century, in order to transform the face of the earth and of her inhabitants.

An organic attempt to imitate the Spanish model was first made in 1809, during the short war waged by Austria against Napoleon. With the help of famous publicists, the Austrian government staged a national anti-napoleonic campaign. Among them, we should recall the names of Friedrich Genz and Friedrich Schlegel. There was a dissemination of Spanish pamphlets translated into German.[5] Heinrich von Kleist was one of the first to join, and after this 1809 Austrian war, he continued anti-French propaganda in Berlin. In these years, up to his death in November 1811, he became the poet of national resistance against the foreign

5. Peter Rassow discusses the pamphlet by the Spanish Minister Ceballo, Ernst Moritz Arndt, and Heinrich von Kleist's "Katechismus der Deutschen," in "Die Wirkung der Erhebung Spaniens auf die Erhebung gegen Napoleon I," in *Historische Zeitschrift* 167 (1943) pp. 310-335; see Hahlweg, *Preussische Reformzeit und revolutionärer Krieg*," *op. cit.*, p. 9, n. 9-13 (on the 1807-1813 insurrections in Germany). Colonel von Schepeler, who later became known as a historian of the Spanish War of Independence, also collaborated from the North on the Austrian plans for armed insurrection against the French. See Hans Jureschke, "El Colonel von Schepeler, Caracter y Calor informativo de su obra historiografica sobre el reinado de Fernando VII," in *Revista de Estudios Politicos,* No. 126 (special issue on the constitution of Cadiz 1812), p. 230.

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conqueror. His play, "Die Hermannsschlacht," remains the greatest partisan poem of all times. He also wrote a poem titled "An Palafox," and put the defender of Saragossa in the same company as Leonidas, Arminius, and William Tell.[6] That the reformers in the Prussian general staff, especially August von Gneisenau and Gerhard von Scharnhorst, were deeply impressed by the Spanish example is something now well known and will be discussed later. Even the germs of that book, *On War,* through which the name Carl von Clausewitz acquired an almost mythical resonance, can be found in the patrimony of ideas of those officers of the Prussian general staff during the years between 1808 and 1813. His formula of "war as the continuation of politics" already contains in a nutshell a theory of the partisan, whose logic has been pursued to its end by Lenin and Mao Tse-tung.[7]

A real guerrilla war that should be mentioned in the context of our problem of the partisan was waged only in Tyrol, where Andreas Hofer, Joseph Speckbacher, and the Capuchin friar Joachim Happinger were active. As Clausewitz put it, the Tyroleans became "a mighty torch."[8] This 1809 episode, however, reached a rapid conclusion. There was no partisan war against the French in the rest of Germany. The strong national impulse expressed in isolated uprising by small bands, ended very quickly, and had no impact on the course of regular war. The fighting of spring and summer 1813 took place on the battlefield, and the decisive blow was struck in a piched battle near Leipzig in October 1813.

Within the framework of the European general restoration, the Congress of Vienna (1814-15) reestablished the principles of the European laws of war. This was one of the most remarkable restorations in world history. It was so enormously successful that these laws of war, of the bracketed continental land war, still regulated the military conduct of European land war during WWI (1914-18). Even today, these laws of war are still called "classic," and they actually deserve the name. In fact, they establish clear distinctions, above all between war and peace,

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6. Rudolf Borchardt included Kleist's poem, "An Palafox," in his collection, *Ewiger Vorrat deutscher Poesie* (1926). The defender of Saragossa, General Palafox, was no partisan, but rather a regular professional officer, and the defense of the town by the entire population was not yet a partisan war, but rather a regular resistance against a regular siege, as emphasized by Hans Schomerus emphasizes in "Partisanen," in *Christ und Welt*, No. 26 (1949), p. 38, n. 19.

7. Carl von Clausewitz, *On War*, ed. and tr. by Michael Howard and Peter Paret (Princeton: Princeton University Press, 1989), pp. 357ff. and 605ff., respectively.

8. Carl von Clausewitz, *Politische Schriften und Briefe*, ed. by Dr. Hans Rothfels (Munich: Drei Masken Verlag, 1922), p. 217.

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combatants and non-combatants, enemies and common criminals.[9] War was waged between states, as a war between regular state armies, between sovereign bearers of a *jus belli,* who also respected each other during war as enemies, and did not consider each other criminals, so that a peaceful conclusion was possible and even remains the normal, almost obvious, conclusion of war. Given such a classic regularity — at least as long as it actually held sway — the partisan could only remain a marginal figure, as he was during the entire WWI.

The Horizon of Our Observations

In order not to create ambiguities, when I occasionally speak of *modern* theories of the partisan, I must emphasize that actually there are no *ancient* theories of the partisan. At least up to now, in the classic laws of war of European international law there is no place for the figure of the partisan in the modern sense among the norms concerning war. If anything, partisans are seen as a kind of very mobile *light troops*, but always regular, as in 18th century wars, or they are outside the law, considered as particularly gruesome criminals; they are simply *hors la loi.* As long as war remained a kind of duel based on the cavalry of the combatants and on clear laws, it could not have been otherwise.

With the introduction of compulsory military service, however, all wars become in principle national wars of liberation. This soon led to complex situations, often irresolvable on the basis of classic laws of war, as could be those of a more or less improvised mass conscription, or those of voluntary groups (*Freikorps*), or snipers (*franctireurs*). This will be discussed later. In any case, war remains fundamentally *bracketed*, and the partisan ends up

9. A whole series of restorations brought about by the Congress of Vienna were readily accepted, e.g., the principle of dynastic legitimacy and the legitimate monarchy, as well as the high aristocracy in Germany, the Pontifical State in Italy, and, beyond the papacy, the Jesuit order. There is less awareness of the great work of the restoration concerning the *jus publicum Europaeum* and its bracketing of land war between European sovereign states — a restoration which, at least in textbooks of international law, has been retained up to now as a "classic" façade. In my book, *The* Nomos *of the Earth in the International Law of the* Jus Publicum Europaeum, tr. by G. L. Ulmen (New York: Telos Press, 2003), the disruption caused by wars during the French Revolution and the Napoleonic age is not dealt with in a sufficiently detailed way. Hans Wehberger has rightly criticized this shortcoming in his review in *Friedenswarte*, Vol. 50 (1951), pp. 305-14. As an at least partial supplement, I can now refer to Roman Schnur's research concerning the ideas and the practice of international law in France, from 1789 to 1815, of which until now only one essay, "Land und Meer," has appeared in *Zeitschrift für Politik* (1961), pp. 11 ff. Even Switzerland's uninterrupted neutrality belongs, along with its *situation unique* within the framework of the restoration work that bracketed the European war. See *The* Nomos *of the Earth*, *op. cit.*, pp. 190 and 249ff.

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outside this bracketing. Rather, it is precisely this fact that marginalized him. The modern partisan expects neither law nor mercy from the enemy. He has moved away from the conventional enmity of controlled and bracketed war, and into the realm of another, real enmity, which, through terror and counter-terror, grows continually, up to reciprocal annihilation.

There are two types of particularly important wars in relation to the partisan (*Partisanentum*) and, in some sense, related to each other: civil war and colonial war. Today, this relation has become very specific. Classic European international law had removed these two dangerous subspecies of war and of enmity, to the point of marginalizing them. In the *jus publicum Europaeum*, war was waged *between* states, by a regular state army against another. Open civil war was seen as an armed insurrection, which was defeated by means of a state of siege and by allowing the police and the army to intervene — unless it led to the recognition of rebels as belligerents. The military science of European nations such as England, France, and Spain has not forgotten altogether colonial wars. Yet, all of this has never challenged the classic model of regular wars among states.[10]

Here, Russia deserves particular mention. During the whole 19th century, the Russian army waged many wars against Asiatic mountain peoples, and never restricted itself to waging exclusively regular army wars, as did the Prussian-German army. Furthermore, Russian history was able to become familiar with the autochthonous partisan war against Napoleon's army. In the summer of 1812, Russian partisans under military leadership placed a series of obstacles on the path of the French army advancing toward Moscow; in fall and winter of the same year, Russian peasants decimated the hungry, frozen and besieged French soldiers in retreat. All of this did not last more than half a year, but it sufficed to become an historical event of great import, admittedly more through the political myth that it became than through its paradigmatic impact in the history of military science. Here, we must mention and even contrapose different interpretations of this Russian partisan war of 1812: an anarchist one, elaborated by Michael Bakunin and Peter Kropotkin, which became famous in Leo Tolstoy's novel *War and Peace*, and a Stalinist one, articulated by the Bolsheviks in their tactics and strategy of revolutionary war.

Unlike Bakunin or Kropotkin, Tolstoy was not an anarchist, but the impact of his literary influence was much greater. His epic work *War and*

10. See the pages listed in the subject index of *The* Nomos *of the Earth*, *op. cit.*, under the keywords: "civil war," "enemy," "*justa causa*" and "*justus hostis*."

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Peace generated more myths than any political doctrine or documented history. He attributed to the Russian partisan of 1812 the role of the bearer of primordial powers unchained by the Russian soil, which shook off the illustrious emperor Napoleon and his splendid army as if they were lurid cockroaches. Tolstoy's uneducated, illiterate peasant is not only stronger, but also more intelligent than all the great strategists and tacticians; above all, he is more intelligent than the great general Napoleon, who becomes a puppet in the flow of history. During WWII, Stalin resurrected this myth of the indigenous, national partisan against Germany, and put it very concretely into the service of communist world politics. This opened up a completely new era in the history of the partisan war, countersigned by Mao Tse-tung's name.

For thirty years now (1963), partisan wars have been waged over large areas of the earth. They began in China before WWII, in 1927, and later expanded in other Asiatic countries — the same that later defended themselves against the Japanese invasion from 1932 to 1945. During WWII, Russia, Poland, the Balkans, France, Albania, Greece, and other countries became the theater of this type of war. After WWII, partisan warfare continued in Indochina, where it was organized in a particularly effective ways by the Vietnamese communist leader Ho Chi-minh and by the winner of Dien Bien Phu, General Vo Nguyen Giap, against the French colonial army. It has also exploded in the Philippines, Algeria, and Cyprus, under General George Grivas, and in Cuba under Fidel Castro and Che Guevara. Today (1963), it is the time of Indo-Chinese countries of Laos and Vietnam, theaters of partisan wars, which every day develop new methods of overpowering or outwitting the enemy. Modern technology provides ever stronger weapons and means of destruction, ever more sophisticated means of transportation and communication, not only to the partisan, but also to the regular troops who fight against them. In the vicious circle of terror and counter-terror, the hunt of the partisan often becomes a mirror image of the partisan war, and reiterates the correctness of the old saying — often cited as Napoleon's order to General Lefèvre on September 12, 1813: "in fighting the partisan anywhere, one must fight as a partisan."

Some particular questions regarding uniform codes in international law will be examined later. Here, the fundamental problematic remains clear: what is under discussion is its application to rapidly developing concrete situations. In recent years, a particularly interesting document has been drafted, which expresses the will of total resistance, and not just the will, accompanied as it is by precise norms and dispositions concerning its concrete execution. It is the "Everyman's Guide to Guerrilla Warfare,"

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published by the Swiss Association of Non-Commissioned Officers.[11] In little more than 180 pages, it provides instructions for passive and active resistance against a foreign invasion, with detailed indications concerning how to carry out acts of sabotage, camouflage, how to conceal weapons and organize surprise attacks, how to uncover spies, etc. It demonstrates that he has known how to use wisely the experiences of the last decades. This modern introduction to generalized warfare begins with the remark that "resistance to the end" must adhere to the 1907 Hague Convention Respecting the Laws and Customs of War on Land, and to the 1949 Geneva Conventions. *This goes without saying.* It is also not difficult to imagine how a regular army would react to a guerrilla war conducted according to this kind of dispositions (e.g., silent killing of guards by hitting them with an axe),[12] at least as long as it did not feel defeated.

Partisan: the Word and the Concept

The brief listing of a few known names and events, with which we have attempted to circumscribe the context of our observations, demonstrates the extreme complexity of both the subject and of its problematic. Thus, it is advisable to define some features and criteria in order to avoid that the discussion becomes abstract and boundless. One such feature has already been mentioned at the beginning of our presentation, when we claimed that the partisan is an *irregular* fighter. The "regular" fighter is identified by a soldier's uniform, which is more of a professional garb, because it provides security in public and is the symbol of an authority enhanced by the visible presence of weapons. The enemy soldier in uniform is the real target of the typical partisan.

Today, another feature that comes to the fore is the intense political engagement that distinguishes the partisan from other fighters. This intense political character of the partisan must be kept in mind, precisely because it makes it possible to distinguish him from the ordinary criminal and thief, whose motives are concerned purely with private enrichment. This conceptual criterion, its *political* character, has exactly the opposite structure of that of the pirate in the law of sea war: this concept includes the *apolitical* character of the pirate's evil deeds, focused as they are on booty and private gain. As jurists put it, the pirate has an *animus furandi* [evil intent]. The partisan fights within a political front, and precisely the political

11. H. von Dach, *Der totale Widerstand: Kleinkriegsanleitung für Jedermann,* 2nd ed. (Biel: Zentralsekretariat des Schweizerischen Unteroffiziersverbandes, 1958).

12. *Ibid.*, p. 43.

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character of his acts restores the original meaning of the word *partisan*. In fact, the word derives from *party*, and refers to the tie with a part or a group somehow involved in the fighting, both in war and in active politics. Ties to a party of this kind become especially strong during revolutionary times.

In revolutionary war, belonging to a revolutionary party amounts to establishing a total tie. Other groups or associations, especially the contemporary state, are no longer able to bind their own members in such a definitive way, as is the case with the fighters of a party engaged in a revolutionary struggle. In the course of the long debate concerning the so-called total state, it has not yet been possible to see clearly, as we do today, that not the *state* as such, but the revolutionary *party* represents the only true totalitarian organization.[13] From a purely organizational viewpoint, i.e., in the rigorous articulation of the relation of protection and obedience, it could be said that some revolutionary organization is even superior to all regular troops, and that within the context of international law there must be some confusion if organization as such is raised to a criterion for establishing "regularity," as occurred in the 1949 Geneva Conventions.

In German, the word "partisan" refers to one who "follows a party" (*Partei-gänger*), and what this means concretely varies at different times in relation to the party or the front to which one belongs, the way one "takes sides" and commits himself, which can also mean to fight and be taken prisoner. There are belligerent parties, but also parties that come into being during judicial procedures, parties of parliamentary democracy, parties of opinion and those who come together around particular objectives. In romance languages, the word partisan can be used both as a noun as well as an adjective: in French, one can even speak of the *partisan* of some opinion; in short, a very general and ambiguous designation can suddenly become profoundly political. Linguistic parallels with a general term like *status*, which can suddenly mean *state*, are obvious. In times of social disintegration, such as in the 17th century during the Thirty Years War, the irregular soldier ends up becoming confused with thieves and vagrants; he wages war for personal profit, and becomes a central figure of picaresque novels, such as the Spanish *picaro* [rogue] of Estebanillo Gonzales, who found himself engaged in the battle of Nördlingen (1635) and wrote a story in the style of the soldier Schweik, or in Grimmelshausen's *Simplizius Simplizissimus*, or even in the prints and

13. See gloss 3 to "Weiterentwicklung des totalen Staates in Deutschland" (1933), in Carl Schmitt, *Verfassungsrechtliche Aufsätze aus den Jahren 1924-1954: Materialien zu einer Verfassungslehre* (Berlin: Duncker & Humblot, 1958 [2nd. ed., 1973]), p. 366.

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etchings of someone like Jean Callot. In the 18th century, "party-followers" belonged to the *pandours*, the hussars, and other types of light troops which, as mobile troops, "fight separately" and pursue so-called small wars, rather than participate as slower troops in "great wars." Here, the distinction between regular and irregular is based only on the purely technological-military fact, which is absolutely incomparable with the legal-illegal opposition in the juridical sense of international and constitutional law. With today's partisans, the opposition regular-irregular and legal-illegal lose their borders and become interchangeable.

Today, mobility, surprise attacks and retreats, in one word, maximum flexibility, remain the partisan's distinctive features, and this characteristic becomes even more visible with technological progress and growing motorization. It so happens, however, that revolutionary war abolishes both regular-irregular and legal-illegal oppositions, when numerous semi- and para-regular groups come into being. The partisan that fights with weapons in hand always remains connected with a regular organization. It was Fidel Castro's comrade-in-arms in Cuba, Ernesto Che Guevara, who strongly emphasized this aspect.[14] Consequently, precisely because of this cooperation between regulars and irregulars, or where a government, by no means revolutionary, calls for defense of the national soil against a foreign invader, some intermediary stages become more evident. National wars of liberation and guerrilla wars then become one. Already at the beginning of the 16th century, the term *partisan* can be found in regulations concerning similar formations.[15] We will become acquainted with two important examples of formal regulations of national war of liberation and of local militia that tried to regulate guerrilla warfare. At any rate, even foreign invaders issue dispositions concerning how to combat against enemy partisans.

All norms of this type confront the difficult problem of a legal regulation of the irregular, based on an international law accepted by both sides. It is a matter of recognizing the partisan as a combatant and of treating him as prisoner of war, in addition to respecting the rights of the occupying military power. We have already mentioned the fact that at this point we run into some juridical controversies. We will have an opportunity to discuss this

14. Ernesto Che Guevara, *On Guerrilla Warfare*, with an introduction by Major Harries-Clichy Peterson (New York: Frederick A. Praeger, 1961), p. 9: "It is obvious that guerrilla warfare is a preliminary step, unable to win a war all by itself."

15. Manuel Fraga Iribane, in his essay "Guerra y Politica en el siglo XX," points out that since 1595 there have been French decrees regarding enemy invasions, in which the terms *partisan* and *parti de guerre* were used. Cf. *Las Relaciones Internacionales en la era de la guerra fria* (Madrid: Instituto de Estudios Politicos, 1962), p. 29, n. 62 and 27.

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matter in connection with the question of snipers during the Franco-Prussian war (1870-71) after having examined the situation in international law.

In view of the rapid changes in the world, it is all too understandable why there is a tendency to change or abandon traditional or "classic" concepts, as they are called today.[16] This is also the case with the "classic," if one may call it that, concept of the partisan. In an important book for our subject, illegal resistance fighters and underground activists are presented as the true model of the partisan.[17] This is a conceptual transformation that takes as its point of reference certain determinate situations that developed in Hitler's Germany and, as such, are worthy of consideration. Illegality is substituted for irregularity; resistance, for military combat. All of this seems to imply a significant alteration in the meaning of partisan as he participates in national wars of independence, and misunderstands how the revolutionizing of war has lost sight of the relation between the regular army and irregular combatants.

In some cases, this alteration of meaning becomes exhausted in an indefinite symbolization that ends up dissolving the original concept. The result is that every non-conformist individual who acts as he sees fit can be called a partisan, even if he never even thought about taking up arms.[18] As a metaphor, this is not necessarily inadmissible,[19] and I have myself used

16. See my lecture, "El orden del mundo después de la segunda guerra mundial," in *Revista de Estudios Politicos* (1962), No. 122, p. 12, and the keyword "classic" in the subject index of Schmitt, *Verfassungsrechtliche Aufsätze*, *op. cit.*

17. Rolf Schroers, *Der Partisan: Ein Beitrag zur politischen Anthropologie* (Cologne: Kiepenheuer und Witsch, 1961). In the course of our discussion, we will return several times to this work. Schroers rightly distinguishes the partisan from revolutionary agents, functionaries, spies, and saboteurs, but he identifies him with the resistance fighter in general. In contrast, I adhere to the criteria mentioned in the text, and hope thereby to have taken a clearer position allowing for a fruitful debate.

18. See Hans Joachim Sell, *Partisan* (Dusseldorf: Eugen Friedrichs Verlag, 1962). This is a superb novel, with psychologically and sociologically interesting depictions of aristocratic and bourgeois figures in the Federal Republic of Germany during the 1950s.

19. Thus, in an essay on Lorenz von Stein in 1940 ["Die Stellung Lorenz von Steins in der Geschichte des 19. Jahrhunderts," in *Schmollers Jahrbuch für Gesetzgebung, Verwaltung, und Volkswirtschaft im Deutschen Reiches*, Vol. 64, No. 6, pp. 641-646] and in a lecture on Donoso Cortés in 1944, I called Bruno Bauer and Max Stirner "partisans of the world spirit." See "A Pan-European Interpretation of Donoso Cortés," in *Telos* 125 (Fall 2002), p. 112. In an essay on the occasion of the 250th anniversary of Rousseau's death, "Dem wahren Johann Jakob Rousseau — Zum 28. Juni 1962," in *Zürcher Woche*, No. 26 (June 29, 1962), p. 1, in reference to Schroers and Sell, I have used the figure of the partisan to clarify the controversial image of Rousseau. In the meantime, I have become familiar with an essay by Henri Guillemin, "J. J. Rousseau, trouble-fete," which seems to confirm this interpretation. Guillemin is the editor of Rousseau's *Lettres écrites de la Montagne* (Neufchâtel: Collection du Sablier, éditions Ides et Calendes, 1962).

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it to characterize specific historical figures and situations. In a broad sense, we could also claim that "to be a man is to be a fighter," so that a consistent individualist is one who fights for himself, and if he is courageous, at his own risk. He then becomes his own partisan. Such conceptual dissolutions are signs of the time, which should not be ignored and would deserve a separate examination. Yet, for a theory of the partisan as it is meant here, a number of criteria must be kept in mind, so that the theme does not dissolve into abstract generalities. Such criteria are: irregularity, increased mobility of active combat, and increased intensity of political engagement.

I would also like to retain a further, fourth distinct characteristic of the true partisan, which Jover Zamora has designated as telluric. Despite all tactical mobility, this characteristic is important for defining the partisan's position, which remains fundamentally defensive; and he deforms his nature when he appropriates absolute and technicized aggressivity or dreams about a world revolution. Two interesting discussions of this theme have apeared: Rolf Schroers' book[20] and Jürg H. Schmid's dissertation[21] about the position of the partisan according to international law. In my opinion, it is

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20. Schroers, *Der Partisan: Ein Beitrag zur politischen Anthropologie, op cit.*, sees in the partisan the last resistance against the nihilism of a thoroughly technologized world, the last defender of species and soil, and ultimately, the last man. To Gerhard Nebel the partisan appears to be precisely the opposite, i.e., a figure of modern nihilism, who, like the fate of our century, encompasses all professions and classes, the priest, the peasant, the scholar, and, in this way, also the soldier. Nebel's book, *Unter Partisanen und Kreuzfahren* (Stuttgart: Ernst Klett Verlag, 1950), is the war journal of a German soldier in 1944-45 in Italy and Germany, and it would be worth the effort to compare his depiction of the partisan in Italy at that time with Schroers' interpretation (cf. p. 243). In particular, Nebel's book contains a remarkable account of the moment where a large regular army dissolves and, as a mob, either is killed by the population or itself kills and plunders, whereby both sides could be called partisan. If Nebel, beyond his good descriptions, categorizes the poor devils and rogues as "nihilists," this is only a metaphysical spice of the time, and today belongs to that time, just as the 17th century picaresque novel belongs somewhat to scholastic theology. Ernst Jünger, *Der Waldgang* (Frankfurt a/M: Verlag Vittorio Klostermann, 1951), constructs the *Waldgänger* [the walker in the forest], whom he calls partisan several times, as a "figure" in the sense of the "worker" (1932). The individual, surrounded by machines, does not give up in the seemingly desperate situation, but wants to continue with utmost fortitude, and "decides to walk in the forest." "As for place, the forest is everywhere" (p. 11). Thus, for Gethsemane, the Mount of Olives, which we know from the passion story of Jesus Christ, is "forest" in Jünger's sense (p. 73), but also the Daimonion of Socrates (p. 82). Accordingly, the "teachers of law and constitutional law" are denied their ability to "give the walker in the forest the necessary means of defense. Poets and philosophers already see better what is needed" (p. 126). Only theologians know the true sources of power. "Because all wise men understand the theologians" (p. 95).

21. Cf. Jürg H. Schmid, "Die völkerrechtliche Stellung der Partisanen im Kriege," in *Zürcher Studien zum Internationalem Recht*, No. 23 (1956).

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indispensable to ground the partisan on the telluric dimension in order to emphasize his defensive character, i.e., the limited nature of hostility, and preserve him from the absolute pretenses of an abstract justice.

For the partisans who fought in Spain (1803-1813), Tyrol, and Russia, this is self-evident. Even the partisan struggles during WWII and thereafter in Indochina and other countries, connected with the names of Mao Tse-tung, Ho Chi-minh, and Fidel Castro, are clear demonstrations that the tie to the soil, to the indigenous population, and to the particularity of the land — mountain-ranges, forests, jungles or deserts — have lost nothing of their relevance. The partisan is and remains distinct, not only from the pirate, but also from the corsair, at least as long as land and sea remain distinct as elementary spaces of human activity and battlefields among nations. Not only have land and sea developed different strategic means of pursuing war, and different theaters of war, but also different concepts of war, enemy, and booty.[22] Thus, at least as long as there are anti-colonial wars on our planet, the partisan will represent only a type of combatant active on land.[23] A comparison with some typical figures of maritime law will provide a further contribution to the clarification of the partisan's telluric character.

Yet, even the indigenous partisan with an agrarian background is easily drawn into the force-field of an irresistible, technological-industrial progress. With the the help of motorization, his mobility becomes such that he runs the risk of ending up completely uprooted from his environment. In

22. Carl Schmitt, *Land und Meer — Eine weltgeschichtliches Betrachtung* [1942-1954] (Hohenheim: Edition Maschke, 1981); *The* Nomos *of the Earth*, *op. cit.*, pp. 172ff. and 310; "Die geschichtliche Struktur des heutigen Weltgegensatzes von Ost und West," in *Freundschaftliche Begegnungen: Festschrift für Ernst Jünger zum 60. Geburtstag* (Frankfurt a/M: Vittorio Klostermann, 1955), pp. 135-167. In this latter essay, which also appeared in *Revista de Estudios Politicos*, No. 81 (Madrid, 1955), I announced that I would like to develop fully and hermeutically sections 247-8 of Hegel's *Philosophy of Right* as a historico-intellectual nucleus for understanding the contemporary technological-industrial world, just as the Marxist interpretation developed the preceding sections 243-6 for an understanding of bourgeois society.

23. In her review of Schroers' book, *Der Partisan: Ein Beitrag zur politischen Anthropologie*, *op cit.*, Margret Boveri (in *Merkur*, No. 168 [February 1962]) praises Czeslav Milosz's book, *West- und Oestliches Gelände* (Cologne: Kiepenheuer und Witsch, 1961). The author presents a vivid and sympathetic picture of his life in Lithuania, Poland, and Western Europe, especially Paris, and tells of his underground existence in Warsaw during the German occupation, where he disseminated pamphlets against the Germans. He says explicitly that he was not a partisan and that he did not want to be one (p. 276). Yet, his love for his Lithuanian homeland and its forests does support us in adhering to the telluric character of the partisan.

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the situations brought about by the cold war, he becomes a technician of clandestine combat, a saboteur, and a spy. Already during WWII, there were groups of saboteurs with a typical partisan training. Thus, motorization leads to the partisan losing his telluric character, and he ends up becoming a gear in the mastodontic machine that operates politically on a global level. This machine uses him as a first line combatant, as guerrilla of the machine or, depending on general necessities, it even deactivates him when necessary. This possibility is also part of his present-day existence, and should not be neglected by a theory of the partisan.

With these four criteria — irregularity, increased mobility, intensity of political engagement, and telluric character — and without forgetting the possible consequences of a further technicization, industrialization, and diminution of his "agrarian" character, we have outlined, on the conceptual level, the horizon of our observations. They begin with an examination of the napoleonic guerrilla fighter and end up with today's well-equipped partisan: they go from *Empecinado* to Mao Tse-tung and Ho Chi-minh, up to Fidel Castro. As can be seen, this is a large field, concerning which historiography and military thought have accumulated an enormous, ever growing amount of material. To the extent that we have been able to consult it, we will also utilize it in order to draw those insights appropriate for formulating a theory of the partisan.

The Situation from the Viewpoint of International Law

The partisan fights irregularly. But some categories of irregular fighters are equated with regular troops, and enjoy the same rights and privileges. This means: their military acts are not illegal, and if they are captured by their enemy, they have a right to the special treatment reserved to prisoners of war and whose who are wounded. This legal situation was codified in the 1907 Hague Convention, which today is generally accepted as valid. After WWII, it has been further developed in the 1949 Geneva Conventions, two of which regulate the fate of the wounded and the sick in land and sea war, the third regulates treatment of prisoners of war, and the fourth deals with the protection of civilians during wartime. Numerous states, both in the Western world and in the Eastern bloc, have readily ratified them. Even the new American military handbook dealing with land war law (July 18, 1956) has accepted them.

Under certain conditions, the 1907 Hague Convention placed regular armed forces on the same level of militia, volunteer corps, and participants in spontaneous mass insurrections. Later, when we will deal

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with the unhappy relation between Prussians and partisans, we will mention some unclear passages of this regulation. The preliminary work that resulted in the 1949 Geneva Conventions was characterized by the acceptance of significant modifications concerning European international law, which up to that point obtained only between states. An ever growing number of war participants are recognized as combatants. Even civilians in territories militarily occupied by the enemy — thus the battlefield typical of the partisan fighting behind enemy lines — enjoys, from then on, a greater legal protection than that defined in the war agreements of the 1907 Hague Convention. Many comrades-in-arms, who were hitherto considered partisans, are now compared with regular combatants, and have the same rights and prerogatives. To be sure, they should no longer be called partisans. Yet, the concepts are still unclear and vague.

The formulations of the 1949 Geneva Conventions have European experiences in mind, and certainly not Mao Tse-tung's partisan war, nor the later developments of modern partisan war. Immediately after 1945, it was not yet clear what an expert like Hermann Foertsch had seen, when he claimed that belligerent actions after 1945 assumed a partisan character because those who had nuclear weapons shunned using them for humanitarian reasons, and those who did not have them took into account these reservations. This had an unexpected effect on both the atomic bomb and humanitarian concerns. The fundamental points regarding the problem of the partisan found in the 1949 Geneva are derived from particular situations. They refer directly to WWII resistance movements (1939-45).[24]

The conventions do not seek any profound changes in the 1907 Hague Convention. They even retained the four conditions defining who could be considered regular troops — responsible officers, firm and visible symbols, open display of weapons, observance of rules and application of laws of war. To be honest, the convention concerning the protection of civilian populations is extended not only to wars between states, but also to all international armed conflicts, and therefore also to uprisings, civil wars, etc. It is also true, however, that this sought to create the legal foundations for humanitarian interventions of the International Committee of the Red Cross (and other non-partisan organizations). *Inter arma caritas*. In the convention's Art. 3, Sec. 4, it is explicitly stated that the legal status of the conflicting parties will not be affected.[25] In wars between states, the power

24. This was stated in the seminal commentary of the International Red Cross led by Jean S. Pictet, Vol. III (1958), p. 65.

25. *Ibid.*, Vol. III, pp. 39-40.

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occupying a region militarily retains, first and foremost, the right to direct the local police to maintain order and to suppress irregular military actions, including partisan activities, "without regard to what ideas inspired them."[26] It follows that the discrimination of partisans — in the sense of irregular fighters, *not* comparable to regular troops — remains fundamentally true. In this sense, the partisan does *not* have the rights and privileges of the combatant; he is a common criminal and should be rendered harmless with summary punishment and repressive measures. That was fundamentally recognized also in war crimes trials after WWII, e.g., in the Nuremburg judgments against German generals (Jodl, Leeb, and List), whereby it follows that eventual unnecessary atrocities, terrorist measures, collective punishments, or even participation in mass exterminations remain war crimes.

The 1949 Geneva Conventions widened the circle of those compared to regular fighters, above all because they place on the same level the members of an "organized resistance movement" and those of voluntary corps or of militias, and in this way grant them the rights and prerogatives of regular combatants. In order to enjoy these rights and prerogatives it was not even explicitly necessary to belong to a military organization (Art. 13 of the convention concerning the wounded, and Art. 4 dealing with prisoners-of-war). The convention concerning the protection of civilian populations considers equally "international conflicts" conducted with the force of arms, and the wars between states in classic European international law, thereby catching the central point of a well known, typical legal institution concerning of the right to war — *occupatio bellica.* To such expansions and relaxations, cited here only as examples, one can add the great transformations and modifications that emerge from the evolution of modern war technology, which have a still more intense impact on partisan warfare. Thus, what is the meaning of the rule that, for a resistance fighter, weapons must be "carried openly," when the "Everyman's Guide to Guerrilla Warfare"[27] provides the following instructions: "Move only at night and stay in the woods during the day"? Or what is the meaning of the requirement to display a clearly visible badge of rank during war at night or in a contest between long-range weapons of modern technological warfare? These are some of the questions that come to mind when we begin to examine the problem of the partisan, taking into account most of all environmental changes and technological developments.

26. *Ibid.*, Vol. IV (1958), p. 330.
27. Dach, *Der totale Widerstand, op. cit.*, p. 13.

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There are various aspects concerning the protection of civilian populations in militarily occupied areas. The occupying power has an interest in seeing that there is peace and order in the militarily occupied area. It is claimed that the people of these occupied areas have the obligation to adhere to the disposition of the occupants who respect the laws of war. Even civil servants (including the police) should continue to work correctly, and, correspondingly should be handled correctly by the occupying power. The whole matter appears as an extremely difficult balanced compromise between the interests of the occupying power and those of its adversaries. The partisan disturbs this type of order in the occupied area in a dangerous way — not only because he operates behind the enemy's back and, in such a zone, he interferes with the delivery of supplies, but also because he is more or less aided by the local population. According to the already cited "Everyman's Guide to Guerrilla Warfare,"[28] "the population is your greatest friend." But in this case to protect the population also amounts to partially protecting the partisan. This explains why, in the history of the development of the laws of war, in the 1907 Hague Convention and afterwards, one can see the development of two typical fronts: the great military powers, the potential occupying powers, demand that in the militarily occupied regions order is strictly guaranteed, while smaller states — Belgium, Switzerland, and Luxemburg — afraid of being invaded, try to extend the maximum possible protection to the civilian population and the resistance fighters. From this viewpoint as well, post-WWII developments have led to new realizations to be examined later, while the disintegration of social structures raises the question of whether there can also be cases in which the population needs protection from the partisans.

The 1949 Geneva Conventions have introduced modifications within the classic legal institutions of *occupatio bellica* that the 1907 Hague Convention's regulation of land war had spelled out very precisely. The last effects of these modifications remain, in many respects, still unforeseeable. Resistance fighters, who were earlier classified as partisans, are now raised to the level of regular combatants as soon as they turn out to be organized. With such decision, the interests of the population of the occupied zones are raised to the level of those of the occupying power, so that, at least in theory, any resistance to the occupying power, including the partisans', is enough to make it appear *not illegal* as long as it springs

28. *Ibid.*, p. 28.

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from respectable motives. On the other hand, the occupying power must retain the possibility to deploy repressive measures. In this situation, a partisan would find himself in the predicament of acting not in a properly legal, but also not in too illegal a way, rather, at his own risk and danger and, in this sense, he would act in a *risky way.*

If one uses words such as *risk* and *risky* in a general and not pregnant sense, it must be immediately clarified that, in a zone occupied militarily by the enemy and riddled with partisans, it is not just the latter that live at risk. In this general sense of insecurity and danger, the area's entire population turns out to be involved in a risky situation. Those functionaries who, in accord with the 1907 Hague Convention, want to continue to carry out their duty correctly, confront additional risks both because of their initiatives as well as shortcomings; in particular, the police functionary ends up between a rock and a hard place: the occupying power expects him to maintain security and tranquillity, which is precisely what the partisans violate, while his nation-state expects his loyalty and, after the war, will hold him responsible for his actions. The population to which he belongs, expects loyalty and solidarity which, if actually practiced, lead to a completely contradictory behavior, unless he decides to become himself a partisan. It is unavoidable that both the partisan and his adversary soon drag these functionaries in the vicious circle of reprisals and anti-reprisals. Generally speaking, however, initiatives an acts of official omission are not typical of a fighting partisan's behavior.

The word *risky* takes on an even more pregnant meaning, when he who acts in a risky way exposes himself personally to the danger and also takes into account the eventual negative consequences of his actions or of his omissions, so that he cannot consider it an injustice when these consequences hit him. By the same token, if he remains within the limits of legality, he retains the possibility of compensating for the risk by stipulating an insurance contract. The juridical home of the concept of *risk* — its juridical-scientific *topos* — remains the right of insurance. Men live in the midst of all kinds of dangers and insecurities and, from a juridical perspective, to assign to a danger or to a condition of scarce security the term *risk* means to render them, as well as he who is hit, *insurable.* In the case of the partisan, this will probably fail because of the irregularity and the illegality of his actions, even if for the rest there would be a disposition to protect him from a risk too great through his insertion, from the viewpoint of insurance technology, in a class with the highest risk.

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The situations created by war and the development of hostilities call for a reflection concerning the concept of risk. In Germany, the word risk entered the theory of the international law of war through a 1935 book by Joseph L. Kunz.[29] Yet, this book does not refer to land war and certainly not to the partisan. In fact, it has nothing to do with them. Leaving aside the right of insurance as the juridical home of the concept of *risk* and the imprecise uses of the word, e.g., the comparison with the escaped prisoner, who "risks" being shot, it remains to be demonstrated, from a more specifically juridical-military viewpoint, that Kunz' refers primarily to sea war and its norms, as well as its figures and situations. In most cases, sea war is a trade war; with respect to land war, it has its own space and its own concepts of the enemy and of booty. Even the amelioration of the fate of the wounded in the 1949 Geneva Conventions has required two conventions — one for the land and another for the sea.

In this specific sense, two participants in sea war act in a risky way: the neutral blockade runner and the neutral contraband leader. In relation to them the term risky has its own precise and pregnant sense. Both types become involved in a "very profitable, yet very risky commercial venture,"[30] i.e., they risk ship and freight in case they are caught. But in these activities they are not confronted with an enemy, although in terms of sea war law they are considered enemies. Their social ideal is good business. Their field of operations is the free sea. They do not even think about protecting the homeland and the household against a foreign invader, which is the archetype of the autochthonous partisan. They even enter into insurance contracts in order to counterbalance their risks. In these cases, the tariffs are correspondingly high because of changing risk factors such as being sunk by a submarine — something very risky, but highly insured.

A word so apt as *risky* should not be extrapolated from the conceptual context of the law of sea war in order to dissolve it in a general concept that blurs all borders. For us, who remain convinced of the telluric nature of the partisan, this is particularly important. If even I once characterized the pirates and the buccaneers of early capitalism as "partisans of the sea," today I would like to correct this terminological error.[31] The partisan has an enemy and "risks" something completely different from those who plan a blockade or practice contraband. Not only does he risk his own life, as

29. Joseph L. Kunz, *Kriegsrecht und Neutralitätsrecht* (Vienna: J. Springer, 1935), pp. 146 and 274.

30. *Ibid.* p. 227.

31. Schmitt, *The* Nomos *of the Earth*, *op cit.*, p. 174.

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every regular combatant, but he knows, and for him everything depends on this fact, that the enemy considers him outside of every law, honor, and legality. On the other hand, even the revolutionary fighter does the same thing and declares his enemy to be a criminal, while regarding as an ideological swindle all of the enemy's convictions about the concepts of right, law, and honor. Despite all the characteristic links and mixtures of both types of partisans typical of the period that goes from WWII to today, i.e., the kind of autochthonous defender of the national soil and the revolutionary activist that operates over the whole world, the antithesis remains. As we will see, it is based on fundamentally different concepts of war and enmity, which are realized in different types of partisans. Where war is pursued by both sides as a non-discriminatory clash of a state against another, the partisan remains a marginal figure, who does not avoid the framework of war and does not change the overall structure of the political phenomenon. When, however, one goes on to regard the enemy as a real criminal, when a war, such as a civil war is fought between class enemies and its primary goal becomes the annihilation of the government of the state enemy, in that case the explosive revolutionary efficiency of the criminalization of the enemy transforms the partisan into the true hero of the war. He enforces the death penalty against criminals and, for his part, risks to be treated as a criminal or a vandal. This is the logic of a war of *justa causa* which does not recognize a *justus hostis* [the just enemy]. Thus, the partisan becomes the conflict's central figure.

However, the problem of the partisan becomes the best touchstone. The various types of partisan war can be mixed and become similar in concrete praxis, although at bottom they continue to differentiate themselves so profoundly that they become the criterion according to which certain political oppositions come into being. We have mentioned earlier the typical opposition that developed during the preparatory work of the 1907 Hague Convention: great military powers *vis-à-vis* small neutral countries. A compromise formula was reached with great effort during the deliberations of the 1949 Geneva Conventions — a compromise formula that placed at the same level organized resistance movements and volunteer formations. When it came to accept within precise norms of international law the experiences of WWII, that typical opposition resurfaced. Here also, the great military powers, the potential occupiers, were pitted against small states who feared a possible occupation of their territory. In this context, however, this contraposition took on a striking symptomatic variation: the world's greatest land power, the strongest

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potential occupier, the Soviet Union, stood on the side of small states.

In his well-documented work,[32] Schmid wants to place "the conditions of civilians' guerrilla warfare" — and here one thinks concretely of Stalin's partisans — "under the shield of law." The author sees in this "the quintessence of the problem of the partisan" and the main legally creative merit of the 1949 Geneva Conventions. He would like "to eliminate certain restraints concerning the right of occupation," residues of the long since transcended concept of the power of occupation, and among them, most of all, the "much praised duty of obedience." To this end, he relies on the thesis of legal, but risky, war activities, shifting the emphasis on the fact that they are risky, but not illegal. Thus, he minimizes the risk of the partisan, to whom he attributes as many rights as he can, at the expense of the occupying power. It is unclear to me, however, how he can avoid the logic of terror and counter-terror, even if he were to accept to treat the enemy as a criminal that the partisan fights against. All of this seems to be a highly interesting hybrid of two different juridical statuses, i.e., that of combatants and that of civilians, with two different types of modern war, i.e., hot and cold war, between the population and the occupying power, to which Schmid's partisan (following Mao) participates with both hands. What is astounding, and this represents a real logical leap, is only that this de-illegalization of Stalin's partisans at the expense of classic international law is simultaneously connected with the return to the Rousseau-Portalis Doctrine of a pure war between states, concerning which Schmid claims that it would have forbidden civilians from engaging in hostile acts, but only "initially." In this way, the partisan becomes insurable.

The four 1949 Geneva Conventions are the work of an admirable human disposition and humanitarian development. Given that they guarantee the enemy not only its humanity, but also justice in the sense of recognition of its rights, they remain within classic international law and its tradition, without which such a humanitarian work would be unthinkable. Its foundation remains the conduct of war based on the state and consequently a bracketing of war, with its clear distinctions between war and peace, military and civilian, enemy and criminal, war between states and civil war. When these essential distinctions fade or are even challenged, they create the premises for a type of war that deliberately destroys these clear distinctions. Then, many cautiously stylized compromise norms appear only as the narrow bridge over an abyss, which conceals a profound modification of the concepts of war, enemy, and partisan — a modification full of consequences.

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32. Schmid, "Die völkerrechtliche Stellung der Partisanen im Kriege," *op. cit.*

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THE DEVELOPMENT OF THE THEORY

Prussian Incompatibility with the Partisan

In Prussia, the leading German military power, the uprising against Napolean in early 1813 was fueled by a strong national feeling. The great moment passed quickly; however, it remained so essential in the history of partisan war that we must focus on it later. First, however, we must take note of an undisputed historical fact, i.e., that both the Prussian and the German army led by Prussia from 1813 through the early part of WWII provided the classic example of a military organization that had repressed the idea of the partisan. The 30 years of German colonial domination in Africa (1885-1915) were not important enough militarily to cause the extraordinary theoreticians of the Prussian General Staff to take the problem seriously. The Austro-Hungarian army had to deal with the partisan war in the Balkans, and had a regulation dealing with small wars. By contrast, the Prussian-German army that marched into Russia on June 22, 1941 in WWII, did not conceive of a partisan war. Its campaign against Stalin began with the maxim: troops will fight the enemy; marauders will be handled by the police. The first special directives regarding fighting partisans came only in October 1941; in May 1944, just before the end of the four-year war, the first complete regulation regarding partisan war was instituted by the Wehrmacht's Supreme Command of the armed forces.[33]

In the 19th century, the Prussian-German army became the most famous and exemplary military organization in Europe at that time. This reputation, however, was due exclusively to military victories over other regular European armies, in particular those of France and Austria. Only during the Franco-Prussian War (1870-71) in France did it encounter irregular combatants in the form of snipers, and were handled according to martial law, just as every regular army would have done.

A well-disciplined regular army is used to distinguishing accurately between military and civilians, and considers an enemy only whoever wears a uniform. When it confronts an entire civilian population, which participates in combat without uniforms, it becomes nervous and loses its self-control. Then, the military reacts with hard reprisals, firing-squads, hostage-taking, and the destruction of villages, and considers all of this just punishment for treachery and perfidy. Thus, the more the regular, uniformed opponent is respected as an enemy, even in the bloodiest clashes, the more

33. Hans Schomerus, "Partisanen," in *Christ und Welt*, *op. cit.* See in particular the section titled "Der Wall der Tradition." Schomerus' subsequent articles in the same journal remain of great significance for the partisan problem.

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are irregular combatants considered true criminals. Such an attitude is the natural consequence of classic European laws of war, which distinguished between military and civilians, combatants and non-combatants, and had the great merit of not regarding the enemy as a criminal.

The German soldier met the sniper in France in the autumn of 1870, and, in the following winter (1870-71), after the great victory over the regular army of Napolean III's near Sedan on September 2. Had the war been fought according to the classic rules of war, one could expect that such a victory would have meant the end of war and the beginning of peace negotiations. Instead, the vanquished imperial government was deposed and the new republican government led by Léon Gambetta called for national resistance against the foreign invader: "an all-out war." In ever greater haste, it continually conscripted new armies and threw new masses of badly-trained soldiers onto the battlefield. In November 1870, it even had some military success in the Loire Valley. The situation of the German army had become difficult also because Germany had not taken into account all of the diplomatic aspects, and expected a rapid solution to the conflict.

The French population was aroused with patriotic fervor, and participated in the struggle against the Germans in the most desperate way. The Germans took as hostages the most visible people, the so-called notables, shot the snipers caught with guns at hand, and pressured the population with all kinds of reprisals. This gave rise to a controversy for and against the snipers, between international law jurists and official propagandists, which lasted for more than half a century. The controversies flared again in WWI, this time between Belgians and Germans. Whole libraries have been written about the problem, and even in recent years (1958-60) a panel of respected German and Belgian historians has sought to resolve at least some aspects of the complex problem of the Belgian snipers of 1914.[34]

All of this teaches that a normative regulation of the problem of the partisan is juridically impossible, unless one wants to risk juridical formulations that do not catch the concrete state of affairs and remain mired in generic and contingent value-judgements. Since the 18th century, the traditional European bracketing of wars between states was based on very precise concepts, which although banned by the French Revolution,

34. E. Kessel, in *Historische Zeitschrift*, Vol. 191 (October 1960), pp. 385-93; Franz Petri and Peter Schoeller, "Zur Bereinigung des Franktireurproblems vom August 1914," in *Vierteljahreshefte für Zeitgeschichte*, Vol. 9 (1961), pp. 234-48.

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were restored much more effectively by the Congress of Vienna. Born during the age of absolute monarchies, these concepts dealing primarily with the bracketing of war and the individualization of the enemy, function as norms, in relations between states, when the warring sides attribute to them the same contents. In other words, it is necessary that the concept of regularity and irregularity, legality and illegality, is the same both in relations between states and within the states themselves. Otherwise, instead of promoting peace, interstate norms will only succeed in providing pretexts for reciprocal accusations. The simple truth is that this has been acknowledged very slowly in Europe, and only after WWI. Yet, the ideological façade of the traditional conceptual armory is still very strong. For practical reasons, states have often an interest in emphasizing the so-called classic concepts, also when, in other cases, they dismissed them as obsolete and reactionary. To this it should be added that European jurists have stubbornly repressed the image, already acknowledged since 1900, of that new developing reality.[35]

If this is taken to be sufficient to distinguish a traditional old style European war between states from a democratic people's war, then it turns out to be even more applicable to an improvised all-out national war of liberation like the one proclaimed in September 1870 by Gambetta. Following almost all of its 19th century forerunners, the 1907 Hague Convention has sought to resolve with a compromise the problem of the snipers. It demanded certain conditions whereby an improvised fighter with an improvised uniform would be recognized as such in the sense of international law: responsible officers; firm and clearly visible badges of rank; and, above all, open display of weapons. The great conceptual obscurity of the 1907 Hague Convention and of the 1949 Geneva Conventions is great and further complicates the problem. In fact, the partisan is he who refuses to carry weapons openly, fights from ambush, and hides in a thousand ways behind the uniform stolen from the enemy or behind civilian clothing; he uses the most diverse camouflages according to circumstances. Secrecy and darkness are his strongest weapons, which he cannot honestly give up without losing that essential space of irregularity, and without

35. "Without being aware of it, toward the end of the 19th century European international law had lost the awareness of the spatial structure of its former order. Instead, it had adopted an increasingly more superficial notion of a universalizing process that it naively saw as a victory of European international law. It mistook the removal of Europe from the center of the earth in international law for Europe's rise to the center." See Schmitt, *The* Nomos *of the Earth*, *op. cit.*, p. 233.

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ultimately ceasing to be a partisan.[36]

The Prussian military's theoretical thought understood this perfectly, without in any way underestimating the importance of guerilla warfare. That can be seen in an interesting book by a typical Prussian General Staff officer, who knew how the snipers fought during the 1870-71 war.[37] Baron Colmar Freiherr von der Goltz, the author, died in WWI, while leading a Turkish army under the pseudonym Pasha Goltz. With absolute objectivity and great precision, the young Prussian officer recognized the republican military leaders' enormous error during the war, and wrote: "Gambetta wanted to pursue a proper war, and unfortunately he did; because, in France at that time, a small war, a guerrilla war, would have been much more dangerous for the German army."[38]

Eventually, the Prussian-German Supreme Command understood the nature of partisan war, but it was too late. As already mentioned, on May 6, 1944, the Wehrmacht's Supreme Command issued the first general directives concerning the struggle against partisans. Thus, before its own end, the German army came to recognize the figure of the partisan. These May 1944 directives were recognized as valid in every respect by an enemy of Germany. After WWII, the English Brigadier General Aubrey

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36. The confusion was total, not only in political propaganda and counter-propaganda (which is its rightful place), and not only in discussion of particularly controversial issues (such as that of the Yugoslav citizen Lazar Vracaric, who in November 1961 was arrested in Munich by German authorities), but unfortunately also in specialized publications, as soon as consciousness of the concrete concepts of European international law was lost. This can be seen in Schmid's previously mentioned dissertation, "Die völkerrectliche Stellung des Partisanen im Kriege," *op. cit.* In some places, Rentsch is not convinced, and in some places he has let himself go astray. He would place partisans "under the protective umbrella of international law," something that the true partisan would readily accept as a supplementary weapon. See *Partisanenkampf, Erfahrungen und Lehren*, *op. cit.* Altogether, this is the result of the destruction of the *jus publicum Europeaum* and its humane, rational concepts of war and enemy. The re-barbarization of the laws of war could be a supplementary chapter in the extraordinary book by F. J. P. Veale, *Advance to Barbarism* (Appleton, WI: C. C. Nelson Publishing Company, 1953). The German translation, published by Verlag K. H. Priester in Wiesbaden, is in a second edition (1962).

37. Colmar Freiherr von der Goltz, *Léon Gambetta und seine Armeen* (Berlin: F. Schneider, 1877).

38. "With the further penetration of the invading army, all cadres became weaker and the supplies slower. . . . All of this favors the enemy's irregular combatants with some initiative. Nevertheless, Gambetta wanted the war in the grand style. The war-like gestures of its army had to be imposing, like its numerical strength, in order to justify it to the nation" (*ibid.*, p. 32). Dr. J. Hadrich (Berlin), to whom I am indebted for Goltz' book, also made me aware of the fact that the Abyssinians, in their resistance against the Mussolini's Italian army in 1935-36, were also vanquished because, instead of a partisan war, they sought to fight a war with regular troops.

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Dixon, along with Otto Heilbrunn, published a book on the partisan, which reprinted in full the text of the German directives, citing them as an exemplary model of an effective way to fight against partisans. Even the young English General Sir Reginald F. S. Denning, in his forward to the Dixon-Heilbrunn book, remarks that the 1944 German directives concerning the struggle against partisans are no less valid because they deal with the struggle of the German army against Russian partisans.[39]

Toward the end of the war (1944-45), two formations of fighters appear in Germany, which must not be considered part of the Wehrmacht, but, rather, its antitheses: the *Volkssturm* [National Storm] and the so-called *Werwolf*. The *Volkssturm* was created by a September 25, 1944 edict as a territorial militia whose members were considered to be soldiers in the sense of national defense regulations and as combatants in the sense of the 1907 Hague Convention. Their organization, outfitting, engagement, fighting spirit, and casualties are described in the recent publication of Major-General Hans Kissel, who, beginning in November 1944 was chief of *Volkssturm* operations. Kissel reports that the Allies recognized him as a combatant, while the Russians treated the *Volkssturm* as a partisan organization and shot the prisoners. Unlike this territorial militia, the *Werwolf* was considered a partisan organization of young people. Dixon and Heilbrunn report on the outcome: "Some aspiring members of the *Werwolf* were caught by the Allies, and that ended the matter." The *Werwolf* was described as an "attempt to unleash a children's sniper war."[40] In any case, this is not the place to dwell on this matter.

After WWI, the winners disbanded the German General Staff and forbade its reestablishment in any form, in accordance with Art. 160 of the Versailles Treaty of June 28, 1919. The fact that after their common victory over Germany the winners of WWII (above all, the US and the Soviet Union), after having outlawed the war-duel of classic European international law, even proscribed and annihilated the Prussian state, it does not lack historical logic and is not inconsistent with international

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39. Cf. Brigadier C. Aubrey Dixon, O. B. E., and Otto Heilbrunn, *Partisanen, Strategie und Taktik des Guerrillakrieges* (Frankfurt a/M-Berlin: Bernard & Graefe Verlag für Wehrwesen, 1956), pp. XIV and 213-240.

40. Hans Kissel, *Der Deutsche Volkssturm* (Frankfurt a/M: Verlag E. S. Mittler & Sohn, 1962). The information on the different treatment in the West and the East is on p. 46. The term "children's sniper war" was used by Erich F. Pruck in his review of the Kissel book in *Zeitschrift für Politik*, N. F. 9 (1962), pp. 29ff. Pruck rightly remarks that "the borders between legal combat (in the sense of the 1907 Hague Convention) and 'partisan warfare' is unclear." Cf. Dixon and Heilbrunn, *Partisanen, op. cit.*, p. 3, n. 24.

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law. Law No. 46 of the Allied Control Commission of February 25, 1947 reads: "The Prussian state, which has always been the agency of militarism and reaction in Germany, has *de facto* ceased to exist. Guided by the intention to maintain the people's peace and security, and by the desire to ensure growth of political life in Germany on a democratic basis, the Control Commission orders the following: Art. 1: The Prussian state, with all its government and administrative structures, is dissolved."

The Partisan as a Prussian Ideal in 1813 and the Turn to Theory

It was neither a Prussian soldier, nor a reform-minded Prussian officer of the General Staff, but rather a prime minister, Otto von Bismarck, who, in 1866 "wanted to take every weapon in hand that could be provided by the nationalist movement not only in Germany, but also in Hungary and Bohemia" against the Hapsburg monarchy and Bonapartist France. To avoid succumbing, Bismarck was determined to unleash hell. He was pleased to use the classic citation *Acheronta movere* [mobilize the netherworld], even if he preferred to attribute it to his internal political opponents.[41] But both the Prussian King, William I, and the chief of the Prussian General Staff, Helmuth von Moltke, were far from entertaining "infernal" plans. Such a move would have appeared uncivil and even un-Prussian. And the word *acherontic* would certainly be too violent if ascribed to the timid revolutionary attempts of the German government and of its General Staff during WWI. Besides, even Lenin's 1917 journey from Switzerland to Russia also falls within this context. Aside from everything that the Germans could have thought and planned in organizing this journey, the event must be seen in its true light, i.e., that the consequences surpassed the intention to further confirm our thesis, that the relation between Prussia and the partisan has

41. Cf. Otto von Bismarck, *Gedanken und Erinnerungen*, with an afterword by Ernst Friedländer (Stuttgart: Cotta, 1965), Vol. I, Ch. 20 and Vol. III-1 and Ch. 10, where the citation *Acheronta movere* serves to paint the devil on the wall. Bismarck exaggerates for obvious reasons. In reality, as a modern historian, Egmont Zechlin, claims, he was surrounded by "operational Hungarian troops" and generals such as Klapka and Türr. The officer corps of the Hungarian Legion consisted of the cream of the Hungarian aristocracy. "But Bismarck did not even shrink from welcome in the headquarters the radical socialist Czech revolutionary, friend of Bakunin, Joseph Fric. With Colonel Oreskovic of Belgrade and Minister Garasanin, he had convolved the most influential politicians of the southern Slav movement, and through Victor Emanuel, Klapka, and Türr he was in contact with the European revolutionary hero Giuseppe Garibaldi." The Tsar's conservative-reactionary general, with whom he was negotiating, telegraphed him that he would prefer a revolution to death.

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been one of the most unfortunate.[42]

Yet, once in its history the Prussian military state has had an acherontic moment. That was in the winter and spring of 1812-13, when an elite of General Staff officers sought to unleash and lead popular hostility against Napoleon. The German war against Napoleon was no partisan war, and it can hardly be defined as a popular war. Rather, it was, to use Ernst Forsthoff's precise words, "a legend created by political interests."[43] It did not take long to marshall all the elemental forces within the robust banks of state order and of regular combat against the French Army. Nevertheless, this short revolutionary moment has extraordinary significance for the theory of the partisan.

At this point, one will immediately think of the famous masterpiece of the science of war, *On War*, by the Prussian General von Clausewitz, and rightly so. But at this time, Clausewitz was only a student of teachers and masters such as Scharnhorst and Gneisenau, and his book was published only after his death, in 1832. There is, however, another manifesto of the hostility against Napolean, dated 1813, which can be listed among the most astounding documents in the whole history of the partisan: the April 21, 1813 Prussian edict concerning the territorial militia [*Landsturm*]. It is an edict signed by the Prussian king, published according to all the regulations spelled out in the collection of Prussian laws. The model that inspired it is

42. Compared to this national-revolutionary line in Bismarck's politics, the revolutionary attempts of the German government and the German General Staff during WWI in Russia, in the Islamic-Israeli world, and in America appear weak and "improvised." See Egmont Zechlin, "Friedensbestrebungen und Revolutionsversuche," in *Das Parlament*, App. 20, 24 and 25 (May and June, 1961). In his accurately documented book, *Die Revolution in der Politik Bismarcks* (Göttingen: Musterschmidt Verlag, 1957), Gustav Adolf Rein concludes that: "Bismarck has highlighted the revolution in order to reveal its inner weaknesses, and he has then undertaken to resurrect the old monarchy and give it a new life" (p. 13). Unfortunately, Rein's book does not handle the real situation of 1866 in the concrete way that such an argument deserves.

43. Ernst Forsthoff, *Deutsche Verfassungsgeschichte der Neuzeit*, 2nd. ed. (Stuttgart: W. Kohlhammer Verlag, 1961), p. 84. Forsthoff also defines as pure legend the opinion that the Prussian *Landwehr* — the type of troops that came closest to the bourgeois ideal of a militia — was decisive in achieving final victory. "In fact, use of the territorial militia at the beginning of the war, had serious limitations. It could not launch an attack, because its moral force and military impact were too insignificant for anything of the kind. It was not protected against confusion and panic. Only with the prolongation of the war, did its military importance grew. Under these circumstances, to claim that the territorial militia made a decisive contribution to victory belongs to the realm of fable." Ernst Rudolf Huber deals with the spring of 1813, especially with the *Landsturm* edict in his *Deutsche Verfassungsgeschichte seit 1789* (Stuttgart: W. Kohlhammer, 1957-), Vol. I, §7, p. 213; see also his *Heer und Staat in der deutschen Geschichte* (Hamburg: Hanseatische Verlagsanstalt, 1938), pp. 144ff.

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without a shadow of doubt the Spanish *Reglamento de Partidas y Cuadrillas* of December 28, 1808, and the decree, known under the name *Corso Terrestre* of April 17, 1809. The latter ones, however, are signed personally by the monarch.[44] It is astounding to see the name of a legitimate king under such a call to partisan war. These 10 pages of the collection of 1813 Prussian laws must surely be among the most exceptional ones among collections of legal documents anywhere in the world.

Every citizen, it is claimed, has the duty to resist the invading enemy with every type of weapons. Axes, pitchforks, scythes, and hammers are explicitly recommended (in §43). Every Prussian is obligated to refuse to obey *all* enemy directives, and to injure the enemy with all available means. Even if the enemy wanted to restore order, no one is authorized to obey, because in so doing one would facilitate the enemy's military operations. It is explicitly stated that "the excesses of an unrestrained mobs" are less dangerous than if the enemy were allowed to make free use of his troops. In addition, reprisals are recommended if the enemy were to oppose the partisans' initiatives. In short, this document is a *Magna Carta* for partisan war. In three places — in the introduction and in §8 and §52 — there is clear reference to Spain and their guerrilla as an "example and a model." The struggle is justified as self-defense, which "sanctifies all means" (§7), including the unleashing of total chaos.

As I have written, there was no actual German partisan war against Napoleon. The same edict concerning the territorial militia was modified three months later, on July 17, 1813, by extinguishing every acherontic flash and diminishing the figure of the partisan. Everything that followed was decided by the clash of regular armies, even if the spark of national sentiment contaminated the troops. At any rate, Napoleon could gloat that during the many years of French occupation no German civilian ever took a shot at a French uniform.

Then, what was the special significance of this short-lived Prussian decree of 1813? It represents the legitimation of the partisan as the

44. It was issued as a decree of a *Junta Suprema*, because there was no legitimate monarch at the time. Cf. Fernando Solano Costa, "La Resistencia Popular en la Guerra de la Independencia: Los Guerilleros," *op. cit.*, pp. 415f. The Swiss "Everyman's Guide to Guerrilla Warfare" is not an official regulation, but a work issued by the board of directors of the Swiss Non-Commissioned Officers. It would be illuminating to compare its individual directives (e.g., warning the population not to observe the directives of an enemy power) with the express regulations of the Prussian *Landsturm* edict of 1813, in order to bring to mind the similar situation, on the one hand, and the technological and psychological progress, on the other.

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nation's defender and, in particular, it is a special legitimation to the extent that it is based on a mentality and philosophy dominant in the Prussian capital at that time, Berlin. The Spanish guerrilla war against Napoleon, the Tyrolean rebellion of 1809, and the Russian partisan war of 1812 were autochthonous, spontaneous movements of devout Catholic or Orthodox peoples, whose religious traditions were not touched by the philosophical spirit of revolutionary France, and, in this sense, were *underdeveloped.* In an outraged letter to Napoleon's Governor-General Louis Nicolas Davout in Hamburg (dated Dec. 2, 1811), Napoleon defined the Spaniards as a bunch of superstitious, treasonous assassins, led by 300,000 monks, a people which could in no way be compared to the diligent, hard-working, and zealous Germans. In the years 1808-13, Berlin was infused with a spirit imbued with the philosophy of the French Enlightenment, so much so that it could very well be considered equal, if not superior to it.

The great philosopher, Johann Gottlieb Fichte; highly-educated and brilliant military men such as Scharnhorst, Gneisenau, and Clausewitz; and a poet who died in November 1811, Heinrich von Kleist all, characterize the enormous intellectual potential of the Prussian *intelligentsia*, ready to move at the opportune moment. The nationalism of this Berlin intellectual stratum was the patrimony of an educated elite, not just of some simple or even illiterate people. In such an atmosphere, in which an aroused national feeling blended in with a philosophical education, philosophy discovered the partisan, thus making possible its theoretical elaboration. That a theory of war was also part of this singular connection is revealed by a letter that Clausewitz sent in 1809 from Königsberg to Fichte. It was signed by an "unknown military man," and addressed to "the author of an article on Machiavelli."

In this letter, the Prussian officer respectfully teaches a lesson to the famous philosopher, claiming that Machiavelli's theory of war was too dependent on antiquity, while today, "by stimulating individual forces, it is possible to obtain infinitely more than by trusting artificial models." The new weapons and masses, which Clausewitz had in mind in this letter, thoroughly expressed this principle, and ultimately the courage of the individual facing imminent battle is decisive, "especially in the best of all wars, when a people on its own soil is led to fight for freedom and independence."

The young Clausewitz knew the partisans from the Prussian insurrection plans of 1808-13. Between 1810 and 1811, he lectured on guerrilla warfare in the General War College in Berlin. He was not only

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one of the most important military experts of guerrilla warfare in the technological sense of the deployment of light troops because of their great mobility, but he also believed, along with the other reformist officers of this circle, that it was "an eminently political matter, with altogether revolutionary characteristics. To come down in favor of armed civilians, resistance and of revolt against the existing order, even when embodied in a foreign regime of occupation — all of this was a novelty for Prussia: it represents something 'dangerous,' something simultaneously outside the legal state." For us, with these words Werner Hahlweg identified the core of the matter. But he immediately added: "Of course, the revolutionary war against Napoleon, as the Prussian reformers imagined it, was never really fought." It was, at most, what Friedrich Engels called a "half-insurrectional war." Yet, the famous professional report of February 1812 remains very important for understanding the reformers' "most profound impulses" (Hans Rothfels); with the help of Gneisenau and Hermann Boyen, Clausewitz drafted it before he joined the Russian service. It is a "document of a depoliticized and dispassionate sober analysis, truly worth of a General Staff," which recalled the war experiences of the Spanish people, and sought calmly "to respond to atrocity with atrocity, violence with violence." Here, the April 1813 Prussian edict concerning the territorial militia is already recognizable.[45]

Clausewitz must have been very disappointed that everything he had hoped for from the insurrection had "failed."[46] He had always considered wars of national liberation and partisans ("party followers," as he called them) to be essential parts of those forces "that explode in war," and he had taken them into account in his theory of war. He also recognized the new "power," especially in Book 6 of *On War*, concerning the quantity of defensive means, and in the famous Chapter 6B of Book 8 concerning war as a political instrument. Yet, in his work we also find astounding claims and isolated observations full of hints, such as this passage concerning the

45. Hahlweg, *Preussische Reformzeit und revolutionärer Krieg*, *op cit.*, pp. 54 & 56. Clausewitz's letter to Fichte is republished in Fichte's *Staatsphilosophischen Schriften*, ed. by Hans Schulz and Reinhard Strecker (Leipzig: F. Meiner, 1925), Supplement to Vol. I, pp. 59-65. On the "three declarations," see Ernst Engelberg in the introduction to *Vom Kriege* (Berlin: Verlag des Ministeriums für Nationale Verteidigung, 1957), pp. XLVII-L.

46. Letter to Marie von Clausewitz, dated May 28, 1813: "By contrast, what seems missing is what we expected from the support of the people behind enemy lines. This is the one thing that I did not expect, and I must confess that at acknowledging it has already brought some very sad moments." See Karl Linnebach, *Karl und Marie von Clausewitz: Ein Lebensbild in Briefen und Tagebuchblättern* (Berlin: M. Warneck, 1925), p. 336.

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civil war in the Vendée: that few autonomous partisans can occasionally "pretend to be considered an army."[47] Of course, no matter what reformist sentiments he entertained, he remained a professional officer of a regular army of his time, thus absolutely unable to follow his wise intuitions to their ultimate consequences. As we shall see, this happened only later, and in order for it to come about, it required an active, professional revolutionary.

Naturally, Clausewitz still thought in terms of classic categories, as when, in the "marvel of our trinity of war" he assigned to the people only the "blind natural instinct" of hatred and hostility, to the commander-in-chief and his army "courage and talent" (understood as free activities of the soul), and to the government a purely rational handling of war as a political instrument.

The frequently cited Prussian edict of April 1813 documents the moment when the partisan first appears in a new, decisive role, as a figure hitherto unrecognized by the world-spirit. It was not the will of resistance of a valiant, bellicose people, but rather education and intelligence that opened this door to the partisan and gave him a philosophically grounded legitimation. Here he received, if I may say so, his philosophical credentials and was admitted, so to say, in society. Until then, he had remained excluded. In the 17th century, he had been debased to a figure in a picaresque novel; in the 18th century, until the time of Frederick the Great, he was a *pandour* and hussar. But now, in Berlin during the years 1808-13, his discovery and his valor were recognized not only on the technological-military level, but also on the philosophical one. At least for a moment, he acquired the rank of great historical figures, thus also receiving a cultural baptism. That was an event that he never forgot. And it is decisive for our argument. The theory of the partisan, and a political *theory* of this partisan — beyond a technological-military classification — became possible only after this full accreditation in Berlin. The spark ignited by Spain that flew toward Northern Europe in 1808 received its theoretical formulation in Berlin, where its flame was reinvigorated and passed onto other hands.

Yet, this kind of triumph did not affect the people's traditional devotion

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47. An army is ". . . an armed mass in a war theater, and in one only." To say the truth, "it would be sheer pedantry to call every band of partisans that operates on its own in the most remote province an 'army'; yet, it is not proper to remain silent, and no one emphasized it, when talking about the Vendée army at war during the French Revolutionary Wars, when, often enough, it was not very strong." Clausewitz, *On War*, *op. cit.*, pp. 280-81. Cf. also note 67 (the Algerian example).

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toward the sovereign, rather, their political unity came out of it even stronger: the *archeront* that had broken the banks for a little while immediately re-entered within the framework of state order. After the wars of liberation, Hegel's philosophy became dominant in Prussia. It sought a systematic mediation of revolution and tradition.[48] It was considered a conservative philosophy, and it undoubtedly was. But it also succeeded in retaining the revolutionary spark, and through its interpretation of history it provided a dangerous ideological weapon, even more dangerous than Rousseau's philosophy in the Jacobins' hands. This historical-philosophical weapon fell into the hands of Karl Marx and Friedrich Engels, even if the two German scholars were more the revolution's theoreticians than its activists. Only with a professional Russian revolutionary, only with Lenin, did Marxism become, as a doctrine, today's world-historical power.

From Clausewitz to Lenin

Hans Schomerus, whom we have cited as an expert on the partisan, titles a section of his reflections (which he made available to me in the form of a manuscript) *From Empecinado to Budjonny*, i.e., from the partisan of the Spanish anti-Napoleonic guerrilla war to the organizer of the Soviet cavalry during the Bolshevik war in 1920. Primarily from the scientific-military viewpoint, such a title reveals an interesting line of development. For those of us interested in the theory of the partisan, however, this consideration seems to shift the emphasis too much on technological-military questions of the tactic and strategy of mobile warfare. It is better, instead, to keep an eye on the evolution of the concept of the political, which precisely at this point undergoes a revolutionary conversion. The classic, fixed concept of the political developed in the 18th and 19th centuries was based on the *state* understood according to European international law, and had rendered war, as seen by classic international law, a conflict carried out within a well defined framework, i.e., purely a conflict among states. Since the beginning of the 20th century, this war among states, with its precise rules, is put aside and substituted by a revolutionary war among parties. For this reason, we

48. Joachim Ritter, *Hegel und die französische Revolution* (Cologne and Opladen: Westdeutscher Verlag, 1957). Very illuminating here is Reinhart Koselleck's claim that: "The sociological fact to connect bourgeois intelligence and the historical consciousness of Prussian officials are the same phenomenon in that they *find the nature of their state in the spirit of the state*." See Reinhart Koselleck, *Staat und Gesellschaft in Preussen 1815 bis 1848*, in the series titled *Industrielle Welt*, Vol. 1, ed. by Werner Conze (Stuttgart: Ernst Klett, 1962), p. 90.

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have titled the following considerations "From Clausewitz to Lenin." Obviously, confronted with the danger of a specialized technological-military reduction, in some sense it risks a modicum of exaggeration in the opposite direction of becoming lost in ramifications and genealogical trees of a historical-philosophical kind.

Here, our sure reference point is the partisan, who frees us from general genealogies of the philosophy of history and leads us back to the reality of revolutionary development. Marx and Engels had already recognized that contemporary revolutionary war is no longer carried out with the barricade of the old days. Engels, in particular, author of many military treatises, has emphasized this at various points. He was convinced that bourgeois democracy would have bestowed on the proletariat a parliamentary majority through universal suffrage, and this would be able to transform the bourgeois social order into a classless society. Consequently, even a certain revisionism absolutely foreign to the partisan could be traced back to Marx and Engels.

Not so with Lenin. He considered recourse to violence and revolutionary war, both civil and among states, inevitable, and thus he also approved of partisan war as a necessary moment within the whole revolutionary process. Lenin was the first to become fully convinced that the partisan was a decisive figure in national and international civil war, and sought to transform it into an effective instrument of the central Communist Party leadership. As far as I can see, this appeared for the first time in an article titled "The Partisan Struggle,"[49] in the Russian periodical *The Proletarian*, dated September 30-October 13, 1906. It is a new definition of the concept of enemy and of enmity, already examined in his 1902 pamphlet *What Is To Be Done?*, which was aimed primarily against Peter Struve's *objectivism*. Thus, "the professional revolutionary begins coherently from this point on."[50]

Lenin's article on the partisan deals with the tactic to be adopted in

49. W. I. Lenin, *Sämtliche Werke*, Vol. 10, 2nd ed. (Vienna: 1930), pp. 120f. I cite here the German edition of Lenin's military writings, published by a German military publisher in East Berlin, 1961: *Vom Krieg, Armee und Militarwissenschaft*, Vol. 1, pp. 294-304. It is a remarkable coincidence that George Sorel's *Réflexions sur la Violence* appeared in Paris in the same year (1906), in the periodical *Mouvement Socialiste*. A note by Rentsch (*Partisanenkampf: Erfahrungen und Lehren, op. cit.*, p. 203n.) led me to the book by Michael Prawdin, *Netschajew — von Moskau verschwiegen* (Frankfurt a/M: Athenäum, 1961), p. 176, where already in 1905 Lenin spoke of the necessity of guerrilla warfare. The text's exact tone, however, would have to be verified.

50. Peter Scheibert, "Über Lenins Anfänge," in *Historische Zeitschrift* 182 (1956), p. 564.

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civil wars to establish socialism, and is directed against widespread social-democratic opinion at the time that a proletarian revolution, as a mass movement, would reach its objective in countries with parliamentary democracy, and that therefore recourse to violence was outdated. Instead, for Lenin, partisan war is inseparable from civil war: it is only a question of tactical adaptation to the various concrete situations. According to Lenin, partisan warfare is "an inevitable form of struggle," which one uses without dogmatism or prejudices, just as one uses other means, legal or illegal, peaceful or forceful, regular or irregular, according to the situation. The goal remains the communist revolution in countries all over the world. Anything contributing to this end is good and correct. Consequently, even the problem of the partisan has an easy solution: partisans guided by the communist center are freedom fighters and glorious heroes; those who shun these directives are anarchistic riffraff and enemies of humanity.

Lenin was an expert and admirer of Clausewitz,[51] and he had carefully studied *On War* during WWI, transcribing since 1915 some passages in German in his notebooks, with many marginal notes in Russian, highlighted parts and exclamation marks. In so doing, he created one of the most remarkable documents of universal and intellectual history. If these passages, glosses, highlighted sections and exclamation marks are carefully examined, it is possible to grasp all of the developments of the new theory of absolute war and absolute enmity that informs the age of revolutionary war and the methods of modern cold war. What Lenin was able to learn from Clausewitz, and what he learned very

51. A German edition of Lenin's *Tetradka* on Clausewitz' *On War* was published in Berlin in 1957 by the Institute of Marxism-Leninism of the Socialist Unity Party (a.k.a. East German Communist Party). The most extensive and important presentation and analysis of the *Tetradka* is by Werner Hahlweg in an article titled "Lenin und Clausewitz," in *Archiv für Kulturgeschichte*, Vol. 36 (1954), pp. 30-39 and 357-87. Hahlweg is also the editor of the latest edition of *Vom Kriege*, *op. cit.* According to Hahlweg, Lenin's original contribution lies in that he extended Clausewitz, stuck in the initially bourgeois stage of the 1789 Revolution, to the proletarian revolution of 1917, and in recognizing that by being transformed from a conflict among states and nations to a class war, this war would have taken the place of that economic crisis that Marx and Engels hoped for. With help from the formula "war is the continuation of politics," Lenin clarified "just about all of the fundamental questions of the revolution and its unfolding: the recognition of the nature of the world war (class analysis) and the problems connected with it, such as opportunism, defense of the fatherland, the struggle for national liberation, the distinction between just and unjust war, the relation between war and peace, revolution and war, the end of imperialist wars through the working class' internal revolt, revision of the Bolshevik Party program" (Hahlweg, *op. cit.*, p. 374). It seems to me that every point that Hahlweg rightly makes here provides a touchstone for the concept of the enemy.

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well, was not only the famous formula of war as the continuation of politics. He also learned that other notion of distinguishing friend and enemy, and that this is most important because it defines not only war, but also politics. For Lenin, only revolutionary war is genuine war, because it is based on absolute enmity. Everything else is conventional play.

Lenin himself stressed the distinction between war (*Voénna*) and play (*Igrá*) in a marginal note in Chapter 23, Book II ("Key to the Land"). This is the logic operating in the decisive step that sweeps away all the distinctions successfully excogitated by 18th century European international law, reinstated by the 1814-15 Congress of Vienna, that had brilliantly held up to WWI — norms whose elimination not even Clausewitz had entertained. By comparison with a war of absolute enmity, the bracketed war of traditional European international law that flowed within well defined banks following known rules is nothing more than a duel between gentlemen seeking satisfaction. To a communist like Lenin, inspired by a feeling of absolute enmity, this type of war must have appeared as mere play, in which he participated, adapting himself, from time to time to the objective situation in order to trick the adversary, although it was a play that he found contemptible and ridiculous.[52]

The war of absolute enmity knows no bracketing. It finds its justification and meaning in this will to reach its extreme consequences. The only remaining question is this: is there a foe,[53] and if so, who is he? For Lenin, the answer was obvious, and his superiority over all other socialists and Marxists consisted in that he took total enmity seriously. His true foe was the class adversary — the bourgeois, the Western capitalist, and the social order in every country where he was in power. To know the enemy was the secret of Lenin's enormous effectiveness. This is why he understood the partisan so well. In the modern world, the latter had become the true irregular and, as such, the strongest negation of the existing capitalist order: he was called to realize true enmity.

The partisan's irregularity today consists not only in a military

52. W. Grottian, *Lenins Anteilung zum Handeln: Theorie und Praxis so wietischer Aussenpolitik* (Cologne and Oplanden, 1962). It includes a good biography and index.

53. [Tr. German does not distinguish between enemy (*Feind*), i.e., a legitimate opponent, whom one fights according to recognized rules and whom one does not discriminate against as a criminal, and a foe, i.e., a lawless opponent, whom one must fight to the death and destroy. For this reason, Schmitt was forced to distinguish between the "real enemy" and the "absolute enemy." See G. L. Ulmen, "Return of the Foe," and George Schwab, "Enemy or Foe: A Conflict of Modern Politics," in *Telos* 72 (Summer 1987), pp. 187-193 and 194-201, respectively.]

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"line," as in the 18th century, when he was only a "light troop," nor does it refer to the pride of wearing the traditional uniform of a regular troop. The irregularity of the class struggle challenges not only a line, but the whole structure of the political and social order. In the soul of the professional Russian revolutionary Lenin, this new reality became philosophical consciousness. Lenin's alliance of philosophy and the partisan unleashed new and explosive forces. It provoked nothing less than the collapse of the old Eurocentric world that Napoleon had hoped to rescue and the Congress of Vienna to restore.

In 18th century Europe, the bracketing of regular war among states and the limiting of civil war within a state's border were concepts so peaceful that even the wise men of the *ancien régime* could not imagine the disappearance of this type of regularity, not even after the experiences of the French revolutions of 1789 and 1793. They used the language of a general horror, seeking childish comparisons. A great and courageous thinker of the *ancien régime*, Joseph de Maistre, foresaw, in an almost prophetic way, where it would have led. In a letter written in the summer of 1811,[54] he claimed that Russia was ripe for revolution, yet he hoped that it would be, as he put it, a *natural* revolution, and not one based on the European Enlightenment, such as the French. What he feared most was an *academic Pugachev*. Thus, he took pains to clarify what he considered most dangerous, i.e., an alliance of philosophical thought with the elemental forces of every insurrection. Who was Pugachev? He was the leader of a peasant and Cossack rebellion against Catherine II. He was executed in Muscow in 1775 after having tried to pass as the empress' deceased mate. An *academic* Pugachev was that Russian who "will start a European-style revolution." According to de Maistre, that would have provoked series of horrible wars, and if things went that far, "then, I would not have the words to tell you what one would have to fear."

The vision of the intelligent aristocrat is astounding, both because he intuits the clear possibility and danger of an alliance between Western culture and Russian rebelliousness, and also because of what he does not see. Given his temporal and geographic location — St. Petersburg in the

54. *Europa und Russland: Texte zum Problem des westeuropäischen und russischen Selbstverständnisses*, ed. by Dmitrij Tschizerskij and Dieter Groh (Darmstadt: Wissenschaftliche Buchgesellschaft, 1959), p. 61. Letter to de Rossi dated August 15 (or 27) August, 1811. On Maistre's critique and prognoses of Russia, see Dieter Groh, *Russland und das Selbstverständnis Europas: Ein Beitrag zur europäischen Geistesgeschichte* (Neuwied: Herrmann Luchterhand Verlag, 1961), especially pp. 105ff. The book is important for our theme because it contains other informations and descriptions of events.

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summer of 1811 — this intuition comes very close to the ideas of Prussian military reformers. Yet, de Maistre has no clue of this similarity, despite intense relations between the Prussian General Staffand and the imperial court. He knew nothing of Scharnhorst, Gneisenau, and Clausewitz, names that, if related to that of Pugachev, would derail him. The profundity of a great intuition would thus be lost. All that would remain would be a *bon mot* in the style of Voltaire or even of an Antoine de Rivarol. If one then thinks in terms of the alliance between Hegel's philosophy of history and unchained mass forces, consciously realized by the professional Marxist revolutionary Lenin, then the formulation of the brilliant de Maistre would shrink, evaporating into a good verbal slogan mostly intented to be pronounced during a conversation in the salons of the *ancien régime.* The language and conceptual world of bracketed war and tempered enmity were not up to the level of confronting the historical eruption of absolute enmity.

From Lenin to Mao Tse-tung

According to expert authorities, during WWII, Russian partisans succeeded in diverting approximately twenty German divisions, thereby contributing decisively to the final victory. Official Soviet historiography depicts only the glorious partisans who wrecked havoc in the hinterland of the enemy armies.[55] In the enormous Russian spaces with a front thousands of miles long, every division engaged in the German war effort was irreplaceable. Stalin's fundamental concept of partisans was that they had to fight in the enemy's rear, following the maxim: in the rear, partisans; at the front, fraternization.

Stalin succeeded in linking the strong potential of national and patriotic resistance — the essentially defensive, telluric power of self-defense against a foreign invader — with the aggressivity of the international communist world revolution. The linking of these two heterogeneous movements dominates contemporary partisan war around the world. Here, the communist element has generally had the advantage because of support from Moscow or Peking, and because of the tenacity of its objectives. The Polish partisans, who fought against the Germans during WWII, were sacrificed by Stalin in a gruesome way. The partisan struggle in Yugoslavia (1941-45) was not only a common struggle against the foreign invader, but also an equally brutal internal clash between communist and monarchist partisans. In this struggle, with Stalin's help, the Communist Party leader

55. See Boris Semenovitch Telpuchovski's book on "the Great Fatherland War" (1941-45).

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Tito defeated and annihilated his Yugoslav adversary, General Drazha Mihailovich, who had been supported by England.

The greatest leader of contemporary revolutionary war has also become its most famous theoretician: Mao Tse-tung. As Hans Henle points out, today many of his writings have become "required reading at Western war colleges." Beginning in 1927, he had assembled precious experiences in the communist movement and then used the 1932 Japanese invasion to develop systematically all modern methods of national and international civil war. The "long march" from southern China to the Mongol border, which began in November 1934 and continued for over twelve thousand miles under almost unsurmountable difficulties and with enormous losses, set a whole series of precedents and gathered irreplaceable experiences of partisan struggles. The result is the Chinese Communist Party — a party of peasants and soldiers, with the partisan at its center. It is a significant coincidence that Mao completed his most important writings in 1936-38, i.e., the same years in which Spain defended itself, with a national war of liberation, from the danger of being squeezed by international communism. In this Spanish Civil War, the partisan played no leading role. In Mao's case, however, his victory over his internal adversary, the Kuomintang and general Chiang Kai-shek, was exclusively due to his experiences of the partisan war against the Japanese and the Kuomintang.

For our theme, Mao's most important theoretical formulations are found in a 1938 work titled "Problems of Strategy in Guerrilla War Against Japan."[56] Yet, some of his other writings must be taken into account in order to understand fully the military conceptions of this new Clausewitz. Actually, they are the consistent and systematic development of what had been elaborated conceptually by the Prussian officer. Clausewitz,[57] however, as Napoleon's contemporary, could not have foreseen the degree of totality reached by the revolutionary war carried out by the Chinese communist leader. The characteristic figure of Mao can be found in the following comparison: "In our war, the armed people on one side and the Red Army on the other, can be compared to the two

56. See *Selected Works of Mao Tse-Tung*, Vol. II (Peking: Foreign Languages Press, 1965), pp. 79-112.

57. Cf. Theodor Arnold, *Der revolutionäre Krieg* (Pfaffenhofen/Ilm: Ilmgau Verlag, 1961), pp. 22f and 97ff.; Hellmuth Rentsch, *Partisanenkampf: Erfahrungen und Lehren* (Frankfurt a/M: Bernard & Graefe Verlag für Wehrwesen, 1961), especially pp. 150-201; Klaus Mehnert, *Peking und Moskau* (Stuttgart: Deutsche Verlags-Anstalt, 1962), p. 567; and Hans Henle, *Mao, China und die Welt von heute* (Stuttgart: Union, 1961).

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arms of a man or, to put it more concretely, the people's morale and that of the armed nation. For this reason, the enemy is afraid."

As is well known, the "armed nation" was also the slogan of the officers of the Prussian General Staff, who organized the war against Napoleon. Clausewitz was one of them. We have already seen how at that time the vigorous national impulse of a particular intellectual class was received by the regular army. Even the most radical military thinkers at that time distinguished between war and peace, and considered war an emergency situation, clearly different from peace. As a professional officer of a regular army, Clausewitz could not have thought through the logic of the partisan, as could have professional revolutionaries such as Lenin and Mao, whose existence had always been that of professional revolutionaries. As for Mao, another concrete factor must be considered, i.e., what allowed him to come even closer than Lenin to the core of partisan problematic, by conceptually defining it in an even more complex way. In short: Mao's revolution has a more telluric foundation than Lenin's.

There are great differences between the Bolshevik *avant-garde*, which seized power in Russia under Lenin's leadership in October 1917, and the Chinese Communists, who finally took power in 1949, after over 20 years of war — differences in their internal organizational structure, as well as in their relation to the land and the people they conquered. The ideological controversy around the problem concerning what Marxism Mao followed, or whether he practiced a true leninism, disappears in front of the unprecedented fact of a telluric partisan of such dimensions, and it becomes equally secondary whether old Chinese philosophers had not already somehow articulated concepts similar to Mao's. It is actually a matter of a real "red elite" forged by the partisan struggle.

Ruth Fischer has clarified its essential aspect by referring to the fact that, from a national standpoint, the Russian Bolsheviks of 1917 were a minority "led by a group of theoreticians whose majority were émigrés." In 1949, the Chinese Communists under Mao had already struggled for two decades on their own national soil, against an internal adversary, the Kuomintang, in an enormous partisan war. "It may have been that their provenance was the urban proletariat, similar to the Russian Bolsheviks who hailed from St. Petersburg and Moscow, but when they came to power they also brought with them experiences accumulated through the most difficult defeats, and the organizational capacity needed to 'transplant' their fundamental principles to a peasant milieu, and to

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further develop in new and unforeseen way."[58]

Here is where lies the germ of the "ideological" differences between Russian and Chinese Communism. It can also be traced to an inner maoist contradiction that links the Marxist class enemy, with no defined space — a global foe — with one territorially limited, real, engaged in the Chinese-Asiatic defense against capitalist colonialism. It is the antithesis of *One World*, i.e., a political unity of the earth and of its inhabitants, and a plurality of counterbalanced *Grossräumen*. The pluralistic image of a new *nomos* of the earth has been articulated in one of Mao's poems titled "Kunlun," as follows:

> If I could stand above the heavens,
> I would draw my sword
> And cut you in three parts:
> One piece for Europe,
> One piece for America,
> One piece left for China.
> Then peace would rule the world.[59]

In Mao's concrete predicament, he encountered various types of enmity, which intensified into absolute enmity: racial enmity against the white, colonial exploiters; class enmity against the capitalist bourgeoisie; national enmity against the Japanese intruders of the same race; and the growing enmity against his own connationals, during long, bitter civil wars. None of this was abolished or relativized, as one could think, but rather

58. Ruth Fischer, *Von Lenin zu Mao: Kommunismus in der Bandung-Aera* (Düsseldorf-Cologne: Eugen Diederichs Verlag, 1956), p. 155. On the Chinese example and the peasant problem, see Rentsch, *Partisanenkampf: Erfahrungen und Lehren*, *op. cit.*, pp. 154f. On the proletariat and the peasantry, see Mehnert, *Peking und Moskau*, *op. cit.*, pp. 179ff.; Henle, *Mao, China und die Welt von heute*, *op. cit.* On the significance of partisan wars, p. 102; on the red elite, pp. 150ff.; on the special Chinese line of socialism and communism, pp. 161ff. Walt W. Rostow does not deal with the decisive theme of the Chinese partisan, although he reveals the distinct traditional character of the Chinese elite in *The Prospects for Communist China* (New York and London: The Center for International Studies, Massachusetts Institute of Technology, 1954), pp. 10f, 19-21, and 136. He remarks that "Peking's leaders have a strong sense of history," p. 312. He also points out that the way of thinking of Chinese Communism is already characterized, beginning with Mao's rise to power, by *mixed political terms*. If this formulation is meant to be derogatory, (which is conceivable, although I am not in a position to judge) the author would have blocked out the possibility to the core of the matter, i.e., the question of the partisan and the real enemy. On the controversy concerning Mao's legend (Benjamin Schwarz and Karl A. Wittfogel), see Mehnert, *Peking und Moskau*, *op. cit.*, p. 566, n.12.

59. [Tr. Mao Tse-tung, *Poems* (Peking: Foreign Languages Press, 1976), pp. 20-21.]

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intensified and strengthened in that concrete situation. During WWII, Stalin successfully linked the telluric partisan of the national homeland with the class struggle of international communism. In this respect, Mao was many years ahead of Stalin. On the theoretical level, he developed the formula of war as the continuation of politics even further than Lenin.

The mental operation at the base of all this is both simple and bothersome. War finds its meaning in enmity. As a continuation of politics, it also contains, at least potentially, an element of enmity. Now, if peace contains the possibility of war (which, from experience, is unfortunately the case), it also contains a moment of potential enmity. Then the question is only whether enmity can be bracketed and regulated, i.e., whether it is relative or absolute enmity. That can be decided only by those who are waging war at their own risk and danger. For Mao, who thinks as a partisan, today's peace is only the external aspect of a real enmity. The latter is not interrupted even in the so-called cold war, which is not half war and half peace, but something adapted to the contingent situation to direct a real enmity with means different from openly violent ones. Only weak and self-deluted people can deceive themselves on this point.

The practical consequence of all of these considerations consists in establishing the quantitative relation between a regular army's role and other methods of the class struggle that are not openly military. Here, Mao provides precise figures: revolutionary war is nine-tenths irregular rather than open war, while one-tenth is regular war. Based on it, a German General, Helmut Staedke, has defined a partisan as a fighter who carries out nine-tenths of war operations, leaving the remaining tenth to regular troops.[60] Mao certainly did not overlook the fact that this tenth is decisive for the war's positive outcome. Yet, as old traditional Europeans, we must avoid thinking in terms of conventional concepts of war and peace, which refer to 19th century bracketed war, and not to an absolute, but only to a relative and bracketed enmity.

The regular Red Army appears only when the situation is mature for establishing a communist regime. Only then does the land become occupied militarily in an open way. Of course, this does not seek a stipulation of a peace in the sense of classic international law. The

60. Helmut Staedke, in a speech on October 17, 1956 before the Arbeitsgemeinschaft für Wehrforschung [Committee for Weapons Research]. Especially well known in Germany is J. Hogard, "Theorie des Aufstandskrieges," in *Wehrkunde*, Vol. 4 (October 1957), pp. 533-538; see also, Colonel Charles Lacheroy, *Action Viet-Minh et Communiste en Indochina ou une leçon de "guerre révolutionaire"* (Paris: Section de Documentation Militaire, 1955); and Arnold, *Der revolutionäre Krieg*, *op. cit.*, pp. 171ff.

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practical significance of such a doctrine became clear after 1945, with the exemplary division of the defeated Germany. Military operations ceased on May 8, 1945. Defeated, Germany surrendered unconditionally. Up to now (1963), no peace agreement has been reached between Germany and the winning allies, and the borders between East and West are precisely those that American and Soviet regular troops drew between their zones of occupation in 1945. Both the 9:1 ratio between cold war and open military hostilities, as well as the division of Germany after 1945, important for world politics, are only examples meant to clarify Mao's political theory. Its core lies in the partisan, his distinctive feature is real enmity. Lenin's bolshevik theory has recognized and acknowledged the partisan. Yet, by comparison with the concrete telluric reality of the Chinese partisan, Lenin's definition of the enemy remains too intellectual and somewhat abstract. The ideological conflict between Moscow and Peking, which has become increasingly obvious, has its deepest roots in this concrete but different reality of an authentic partisan. Even here, the theory of the partisan turns out to be the key for understanding political reality.

From Mao Tse-tung to Raoul Salan

Mao's fame as the most modern teacher of how to carry out a war was spread in Europe by French professional officers returning from Asia.[61] In Indochina, old-style colonial war clashed with a more modern revolutionary version. There, French professional officers had risked their own skin and learned the effectiveness of carefully studied methods concerning how to conduct a subversive war, how to use mass terror, and how to apply all this to partisan wars. Their experiences made it possible for these officers to develop a theory of psychological, subversive, and insurrectional wars, concerning which there is already a voluminous literature.

This theory has been regarded as the typical product of the mentality of professional officers, especially colonels. No more need be said here about "colonels," even if it would be interesting to see whether a figure

61. I refer summarily to the literature cited in Arnold's *Der revolutionäre Krieg*, *op. cit.*; and Rentsch, *Partisanenkampf: Erfahrungen und Lehren*, *op. cit.*: Raymond Aron, *Paix et Guerre entre les Nations* (Paris: Callmann-Lévy, 1962); Arias, *La Guerra Moderna y la Organisacion Internacional*, *op. cit.* See also Luis García Arias, *Etudes des Phénomènes de la Guerre psychologique de l'Ecole Militaire d'Administration de Montpellier* (1959), especially Vol. 2, *Les Formes Nouvelles de la Guerre*, as well as Jacques Fauvet and Jean Planchais, *La Fronde des Généraux* (Paris: Arthaud, 1961); Claude Paillat, *Dossier Secret de l'Algérie* (Paris: Presses de la Cité, 1962); and P. Paret and John W. Shy, *Guerrillas in the 1960s* (New York: Praeger, 1962), p. 88.

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such as Clausewitz came closer to the way of thinking of a "colonel" than to that of a general. Instead, what remains interesting is this theory of the partisan and its logical development, which ends up becoming personified, during the last few years, by a general, rather than by a colonel: General Raoul Salan. In this context, for us, he is the most important figure — even more important than other generals such as Edmund Jouhaud, Maurice Challe, or André Zellert. His public figure has brought to light an existential conflict, i.e., a decisive one for understanding the partisan problematic, which necessarily explodes when a soldier fighting in a regular way must confront, not only occasionally but continually, in a war configured in a traditional way, a fundamentally revolutionary enemy fighting as an irregular.

As a young officer, Salan had become acquainted with the colonial war in Indochina. During WWII, he was assigned to the Colonial General Staff, and in this capacity he had been transferred to Africa. He came to Indochina in 1948 as the commander of French troops. In 1951, he became the French Republic's High Commissioner for North Vietnam, and in 1954 he led the inquiry into the defeat at Dien-Bien-Phu. In November 1958 he was named Supreme Commandant of the French armed forces in Algeria. Until then, he could be considered politically as part of the Left, and in January 1957 an obscure organization, almost a secret sect, made an attempt on his life. Yet, what he had learned in Indochina and the Algerian partisan war succeeded in bending him to the inexorable logic of the partisan war. The premier of the former Paris government, Pierre Pflimlin, had given him full powers. But in the decisive moment, on May 15, 1958, he supported General Charles de Gaulle, leading a public demonstration in Algiers' Forum chanting "*Vive de Gaulle*!"

Yet, he was bitterly disappointed in his hope to see the General defend unconditionally French sovereignty over Algerian territory, as guaranteed by the constitution. In 1960, his hostility toward de Gaulle became open. In January 1961, a few of Salan's friends founded the Secret Army Organization (the OAS), of which he became the recognized leader when, on April 23, he rushed to Algiers to join the officers' *putsch*. When, two days later, this effort came to naught, the OAS began to plan terrorist actions against the Algerian enemy and the Algerian civilian population, and even the French in the metropolitan territory. These actions benefited by the experiences of psychological war and of modern mass terrorism. This terrorist undertaking received its *coup de grace* in April 1962, when Salan was arrested by the French

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police. The trial before the highest military court in Paris began on May 15 and ended on May 23, 1962. The indictment mentioned the attempt to forcefully overthrow the legal regime and of having organized the OAS terrorist acivities between April 1961 and April 1962. Since the court acknowledged extenuating circumstances, Salan was not given the death penalty, but life in prison (*détention criminelle à perpétuité*).

I have sought to remind the reader of a few important dates. There is still no history of Salan and the OAS,[62] and it is not my intention to meddle in the deep internal conflict of the French nation by expressing opinions and passing judgments. We can, however, provide some reflections by using the already published material in order to clarify some aspects of our problem.[63] This history reveals various episodes that could be related to the partisan; we will refer only to one of them for purely heuristic reasons and with all due caution. The analogy between the Prussian General Staff of 1808-13, who had been impressed by Spanish guerilla war, and the French General Staff during 1950 and 1960, who had experienced the partisan war in Indochina and Algeria, is striking. There are also great differences which, however, do not require further clarification. There is a close relation between the central problem and many individual details. Yet, one should not exaggerate and attribute an identical derivation to all the defeats of the military's theories and constructions of universal history. That would be ridiculous. Thus, the case of Prussian General Ludendorff is very different from that of the Left-Republican Salan. We are concerned only with a clarification of the theory of the partisan.

During the trial before the High Military Court, Salan remained silent. Only at the beginning, he made a rather long declaration, whose opening statement was: "I am head of the OAS. Therefore, the responsibility is entirely mine." In this declaration he complains about the fact that the witnesses he had named — among them, the very head of state, President de Gaulle — had not even been questioned, that the court proceedings were limited only to the period between April 1961 and to April 1962, i.e., between the *putsch* in Algeria and his arrest, thus overlooking the

62. [Tr. In the meantime, several works by and about Salan have appeared, among them: Fabrice Laroche, *Salan devant l'opinion* (Paris: Éditions Saint-Just, 1963); André Figuerras, *Raoul Salan, ex-général* (Paris: La Table ronde, 1965); Raoul Albin Louis Salan, *Lettres de prison*, collected and edited by André Figueras (Paris: La Table ronde, 1965); Raoul Albin Louis Salan, *Mémoires* (Paris: Presses de la Cité, 1970); Raoul Salan, *Indochine rouge: le message d'Hô Chi Minh* (Paris: Presses de la Cité, 1975).]

63. "Le Procès de Raoul Salan, compte-rendu sténographique," in *Les grands procès contemporains*, ed. by Maurice Garçon (Paris: Edition Albin Michel, 1962).

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movement's true motivations and forgetting great historical events in order to reduce everything to a typical penal trial. The OAS' terrorist activities were thus reduced to the only natural answer to the measly attempt to detach from the homeland a land that others were interested in defending. His declaration ended with the words: "I must only account to those who suffered and died because they have believed in a broken promise, and to a duty that has been betrayed. From now on, I will remain silent."

Salan really kept his silence throughout the whole trial, even when confronted with the numerous and insistent questions of the public prosecutor, who regarded Salan's silence as just a tactic. After a brief hint to the "lack of logic" of Salan's silence, the public prosecutor ended up, if not to respect, at least to tolerate such a behavior, without considering it "contempt of court." When the trial was over, the president asked Salan if he had anything to add in his defense. He answered: "I will open my mouth only to scream *Vive la France!*, and to the prosecuting attorney I simply say, may God protect me!"[64]

The first part of Salan's concluding reply to the president of the High Military Court foresaw a death sentence. In this situation — at the moment of his execution — he would have shouted: "*Vive la France!*" The second part was directed to the prosecuting attorney, and was meant to be oracular. It turned out to be perfectly understandable, because for the public prosecutor — and this is something that does not happen everyday for a public prosecutor of a secular state — Salan had suddenly touched the religious lever. He had regarded Salan's silence as arrogant and lacking in remorse, asking that no extenuating circumstances be considered. He suddenly turned to Salan, speaking as "a Christian to a Christian," and claimed that, because of his lack of remorse, he had forfeited the grace that the Christian benevolent God always grants, and thus of having earned eternal damnation. To this Salan answered with his "may God protect me!" This is an excellent example of how much sagacity and how much wisdom are injected in the course of a political trial. Here, however, we are not interested in the problem of political justice,[65] but in clarifying a series of

64. The public prosecutor emphasizes five times the defendant's "great silence" when questioned directly. See *Le Procès de Raoul Salan*, *op. cit.*, pp. 108 and 157. Salan's reiteration that he would remain silent cannot be seen as an interruption of his silence (pp. 89, 152, and 157). See also his thanks to the ex-Head of State, Coty, after his depositions (p. 170). The unusual phrases of the representatives of the prosecution, without which Salan's concluding statement is incomprehensible, can be found on p. 480 of the same transcript.

65. See Carl Schmitt, *Verfassungrechtliche Aufsätze* (Berlin: Dunker & Humblot, 1958), p. 109, 5n. : "Über die Veränderung der Wirklichkeit durch den gerichtlichen Process."

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questions that have been thrown into utter confusion by slogans such as total war, psychological war, subversive war, and insurrectional war, ending up, along this path, to deform the problem of the modern partisan.

The war in Indochina (1946-54) was the "ideal example of a fully-developed modern revolutionary war."[66] Salan had become acquainted with a modern partisan war in Indochina's forests, jungles, and rice fields. He lived through events during which Indo-Chinese rice peasants had forced a battalion of first-rate French soldiers to run away. He saw the squalor of refugees and became acquainted with Ho Chi-minh's underground organization, perfectly able to challenge the French colonial administration and substitute it. With the precision of a member of the General Staff, Salan devoted himself to study the new way to conduct a war, even in its more or less terroristic aspects. By so doing, he stumbled into what his comrades and he himself called "psychological" warfare, which, along with more properly technological-military actions, is typical of modern warfare. Here Salan could readily understand Mao's way of thinking. It is well-known, however, that he applied himself to studying also what had been written concerning the Spanish guerrilla war against Napoleon. In Algeria, Salan found himself in a situation where 400,000 well-armed French soldiers fought against 20,000 Algerian partisans, with the result that France found itself forced to renounce its sovereignty over Algeria. The Algerian population's loss of human life was about 20 times greater than that on the French side, but the amount of material used by the French was about 10 times greater than the Algerians'. In short, during his whole existence as a Frenchman and a soldier, Salan had to accept the strange paradox,[67] this crazy logic that ended up embittering a brave and intelligent man to the point of driving him to attempt a counterattack.

ASPECTS AND CONCEPTS OF THE LAST STAGE

In this labyrinthine situation typical of modern partisan war, we will try to distinguish four different aspects in order to arrive at sufficiently clear concepts: the spatial aspect; the destruction of social structures; the ties with the global-political context; and finally, the technological-industrial

66. Arnold, *Der revolutionäre Krieg, op. cit.*, p. 186.

67. Raymond Aron speaks of a strange paradox in his work *Paix et Guerre entre les nations* (Paris: Calmann-Lévy, 1962), p. 245, where in the chapter titled "Determinants et Nombre," he discusses the Algerian situation. Hans Schomerus' term "crazy logic" (*Irrsinnslogik*) can be found in the partisan story by Jan Coster, *Der Wächter an der Grenze* (Tübingen: Furche Verlag, 1948).

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aspect. This sequence is relatively fluid. It goes without saying that, in concrete reality, there are no isolated and independent aspects, but that only their respective relations and their functional dependence that produce a general picture, so that the discussion of each single aspect always contains at the same time references and implications for the other three. Ultimately, they all end up falling within the force-field of a technological-industrial development.

The Spatial Aspect

Completely independent of the good or ill will of men, of peaceful or hostile goals, any enhancement of human technology opens new spaces and unforeseeable alterations in traditional spatial structures. That is true not only for the external and conspicuous expansions of space, because of spacial exploration, but also for our old, terrestrial environments reserved for homes, work, culture and entertainment. Today, in the age of electric lights, long-range fuel supplies, telephones, radios, and television, the expression "the home is inviolable" establishes limitations rather different than those of the time of King John and the Magna Carta of 1215, when the lord of the manor could raise the drawbridge. The technological enhancement of human technological efficiency shatters entire normative systems, as is the case of the law of the sea in the 19th century. From the bottom of the sea, which has no lord, arose the so-called continental shelf, the space in front of the coast, as a new sphere of human action. Bunkers for atomic waste come into being in the free depths of the Pacific Ocean. Along with spatial structures, technological-industrial progress also transforms spatial orders. Law is the unity of order and orientation, and the problem of the partisan is the problem of relations between regular and irregular struggles.

As far as he is concerned, a modern soldier can have either an optimistic or a pessimistic attitude. For our problem, that could also be irrelevant. From the viewpoint of weapons technology, however, every officer of the General Staff thinks in immediately practical and rational terms. Precisely because of his war experience, the spatial aspect is also close to him theoretically. The structural variety of the so-called war theater, both terrestrial and maritime, is an old theme. Since WWI, airspace has become a new dimension,[68] thus also modifying the spacial

68. Cf. "The Spatial Perspective of the Theater of War on Land and on Sea" and "Transformation of the Spatial Perspective of Theaters of War," in Schmitt, *The* Nomos *of the Earth*, *op. cit.*, pp. 309-313 and 313-316, respectively, as well as Ferdinand Friedenburg's Berlin dissertation, *Der Kriegsschauplatz* (1944).

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structure of terrestrial and maritime *war theaters* as hitherto conceived. With the partisan war, a new, complex sphere of action comes into being, because the partisan does not fight on an open battlefield, on the same level of regular war, with its fronts. Rather, he forces his enemy to enter a different space. Thus he adds to the regular war theater another, more obscure dimensions — a dimension of profundity[69] — where those wearing a uniform become deadly targets. In this way, the partisan on land provides an unexpected, but no less effective analogy to a submarine at sea, which also added an unexpected deep dimension beneath the sea surface, on which old-style sea war was fought. Coming out of the underground, the partisan disturbs the conventional, regular play of forces on the open stage. Precisely because of his irregularity, he changes the dimensions not only of tactical, but also of the strategic operations of the regular armies. By exploiting the lay of the land, small partisan groups can block relatively large masses of regular troops. We have referred to the "paradox" of the Algerian example. Clausewitz had already noticed this with extreme clarity, by defining in a pregnant passage that few partisans who dominate a given space can claim the right to be called "an army."

In order to clarify the concept concretely, it is useful to remain anchored to the partisan's telluric-terrestrial character, without defining him as a land-corsair. The pirate's irregularity lacks any relation to regularity. On the contrary, the corsair gains his war booty at sea, and carries a "letter" from a state government; thus, his type of irregularity does not lack a certain tie with regularity, and up to the 1856 Paris Peace could represent a juridically recognized figure of European international law. In this sense, the corsair of sea war and the partisan of land war can be compared. There is a strong similarity and even equality because of the fact that the statement "with a partisan, one fights like a partisan" and the statement "with a corsair, one fights like a corsair and a half" say essentially the same thing. It is also true, however, that today's partisan is something different from the corsair of land war. The elementary contraposition of land and sea remains too great. It could be that the traditional varieties of war, enmity, and booty, which have hitherto been the basis of the contraposition of land and sea in

69. In *Partisanen; Strategie und Taktik des Guerrillakrieges, op. cit.*, p. 199, while not referring to the general problem of space in land or sea war, Dixon and Heilbrunn present partisan war as a struggle "deep in the enemy front." On this general spatial problem, see my book titled *Land und Meer: Eine weltgeschichtliche Betrachtung* [1942] (Cologne-Lövenich: "Hohenheim" Verlag, 1981), as well as *The* Nomos *of the Earth, op. cit.*, pp. 172ff.

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international law, one day will simply be dissolved in the crucible of technological-industrial progress. For the time being, the partisan is still connected to a concrete piece of land; he is one of earth's last sentinels — that element of world history yet to be completely destroyed.

Already the Spanish guerrilla war against Napoleon comes to full light only if inserted in the great spatial aspect of this contraposition of land and sea. England supported the Spanish partisans. A maritime power used irregular fighters of land war for its great war undertakings in order to vanquish its continental enemy. Ultimately, Napoleon was not eliminated by England, but by land powers such as Spain, Russia, Prussia, and Austria. The partisan's irregular, typically telluric way of fighting entered the service of a typically maritime world politics, which inexorably disqualified and criminalized within the law of the sea, any irregularity taking place on the sea. Different types of irregularity become concretized in the contraposition of land and sea, and certain analogies are permitted and fruitful only if the concrete particularity of the spatial aspects associated with *land* and *sea* are kept in mind. That is especially true of the analogy which interests us in order to understand the spatial aspect, i.e., how the sea power England, in its war against the land power France, used the Spanish partisan rooted in his soil who changed the theater of land war through an irregular space, and how later, in WWI, the land power Germany used the submarine as a weapon against the sea power England, thereby adding another unexpected space to the traditional space reserved for the conduct of a sea war. The former lords of the surface of the sea immediately sought to characterize the new type of warfare as irregular, criminal, and even a type of warfare typical of pirates. Today, in the age of submarines carrying Polaris missiles, anyone can see that both attitudes — Napoleon's indignation concerning the Spanish guerrillas and England's denunciation of German submarines war — operate on the same previously unforeseen conceptual level.

The Disintegration of Social Structures

An uncommon example of disintegration of social structures was experienced by the French in Indochina (1946-56), when their colonial empire collapsed. We have already recalled Ho Chi-minh's organization of the partisan war in Vietnam and Laos, where the communists used even the apolitical civilian population in their struggle. They even corralled the domestic employees of French officers and functionaries, as well as French army maintenance personnel. They extorted taxes from

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the civilian population, and perpetrated all types of terrorist acts in order to cause the French to respond with anti-terror repressions against the indigenous population, so that its hatred of the French grew even greater. In short, the modern form of revolutionary war deploys many methods and new unconventional means, whose broad description would go beyond the limits of our discussion. A commonwealth exists as *res publica*, as a public sphere, and is challenged any time a non-public space develops within it, and effectively disrupts this public sphere. Perhaps this indication is sufficient to demonstrate how the partisan, detached from the consciousness of the 19th century military experts, suddenly appeared at the center of a new way to make war, whose meaning and goal was the destruction of the existing social order.

This becomes obvious in the changed practice of hostage-taking. In the Franco-Prussian War, in order to protect themselves against snipers, German troops took as hostages local dignitaries: mayors, pastors, doctors, and notaries. Since social respect for such typically bourgeois figures was beyond doubt, it could be used to pressure the whole population. Precisely this bourgeois class became the real enemy in communism's revolutionary civil war. In any given situation, whoever uses such dignitaries as hostages works for the communist side. Such hostages can be so useful for the communists' objectives that, if needed, they could be provoked in order to exterminate a particular social group or drag it to its side. Schroers' book on the partisan, articulates this new reality very well. At a certain point, it is claimed that in partisan war only the partisans themselves and their closest collaborators can take hostages. Otherwise, one only creates new partisans. Conversely, for the partisan, every soldier of the regular army, every man in uniform, is a hostage. As Schroers writes: "Every uniform must feel threatened, and thus also everything that it stands for."[70]

One needs only to think about the implications of this logic of terror and counter-terror, and apply it to every kind of civil war to see clearly the disintegration of today's social structures. A few terrorists can threaten great masses. As Margret Boveri shows in a series of remarkable books, wider spaces of insecurity, fear, and general mistrust are added to the narrower space of open terror, creating a "landscape of treason." During the two world wars and after — except a couple of irrelevant

70. Schroers, *Der Partisan, op. cit.*, pp. 33f. Formal prohibitions concerning hostage-taking (as in Art. 34 of the Fourth Geneva Convention) are not effective in the most recent methods which, in reality, reduce whole groups to the level of hostages (p. 72).

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cases — all Europeans have experienced that what we claim is true.[71]

The Global Political Context

Our third aspect, the entanglement of various global political fronts and their interdependence, is now also part of the common patrimony. The autochthonous defenders of the homeland's soil, who died for altar and hearth, the patriotic national heroes who disappeared in the forests, i.e., everything that, confronted with a foreign invasion, was the reaction of a an elementary, telluric force, has in the meantime come under an international and supranational central control, which provides help and support, but only in its own rather different interests, i.e., at the service of globally aggressive goals which, according to the circum-stances, it either encourages or abandons. Thus, the partisan ceases to be an essentially defensive figure in order to become a tool manipulated by a spirit of aggression seeking to revolutionize the world. He is simply burned and deprived of the motive which had led him to take up arms, and in which its telluric character was rooted, along with the legitimacy of his partisan irregularity.

In some way, as an irregular fighter, the partisan has always had to lean on a more powerful, regular combatant. This aspect was always clear. The Spanish guerrilla found his legitimacy in his defensive character and in his agreement with the monarchy and the nation. He defended the national soil against a foreign invader. But Wellington was also part of the Spanish guerrilla war, and the struggle against Napoleon was pursued with English help. Full of hatred, Napoleon often recalled that England was the real instigator and the real beneficiary of the Spanish partisan war. Today, we

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71. Margret Boveri, *Treason in the Twentieth Century*, tr. by Jonathan Steinberg (London: Macdonald, 1961). Partisans are not the only subjects of this book. But the "abysmal confusion" of a "*landscape of treason*" renders "irreparably confused" all distinctions between legality and legitimacy: thus the identification of the partisan as a general figure is obvious. I have demonstrated this with the example of Rousseau in "Dem wahren Johann Jakob Rousseau," in *Zürcher Woche*, No. 26 (June 28-29, 1962), see notes 20, 21 and 23. From that "abysmal confusion," Armin Mohler deduces, as a historian, the thesis that "for now, we can approach the figure of the partisan . . . only with a historical description. Maybe eventually, having reached a greater distance, everything will look differently. For the foreseeable future every attempt to master, both intellectually and poetically, such a landscape . . . will only produce enigmatic fragments, highly significant for understanding their epoch." See Mohler's review of Schroers' book in *Das Historisch-Politische Buch*, Vol. 8 (1962). Of course, Mohler's thesis, and the judgment implicit in it, also concerns our attempt to develop a theory of the partisan. We are fully aware of this. Thus, it would turn out to be really pointless and irrelevant, if our categories and concepts were thought about so little, as all those hitherto expressed to reject or eliminate our concept of the political.

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are even more aware of these connections, because the uninterrupted growth of technological means renders the partisan dependent on the continuous help of an ally both technologically and industrially able to resupply him with the most modern weapons and machines.

The more interested third parties compete among themselves, the more the partisan retains a certain space for his own politics. That was Tito's situation in the last years of WWII. In the partisan struggles in Vietnam and Laos, the situation was complicated by the fact that within the very communist movement there had been an intensification of the clash between Soviet and Chinese politics. With Peking's support more partisans could be infiltrated into North Vietnam through Laos and, on the concrete level, for the Vietnamese communist this help was greater than Moscow's. The leader of the war of liberation against France, Ho-Chi Minh, was a follower of Moscow. However, what was decisive in choosing between Moscow and Peking, as well as all the other available alternatives, was who could provide the greater help.

In indicating these connections with world politics, Schroers' already cited book provides a very apt formulation. The author speaks of an *interested third party.* This is a clear expression. Here, this interested third party is not some banal figure, such as the proverbial third party that ultimately is the beneficiary. It is typical of the partisan's situation, and thus part of the theory about him. The powerful third party not only provides weapons and ammunitions, medical supplies, material help, and money, but he also generates the political recognition that the partisan irregularly needs in order not to be considered in the apolitical sense a thief or a pirate. This means not to sink into the criminal realm. From a longer perspective, the irregular fighter must legitimate himself with the regular, and this is why he has only two possibilities: recognition by an existing regular power, or the achievement of a new regularity through his own power. It is a very hard choice

To the extent that the partisan is motorized, he loses his own natural turf and becomes more dependent on technological-industrial means, which he needs for his struggle. This also causes the power of the interested third party to grow, so that it ultimately reaches global proportions. Thus, all these aspects of the contemporary partisan appear to flow into the technological-industrial aspect that dominates everything.

The Technological Aspect

The partisan also participates in the development and progress of

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modern science and technology. Today, the old partisan, whom the often mentioned 1813 Prussian *Landsturm* edict wanted to arm with a pitchfork in his hand, appears comical. The modern partisan fights with automatic rifles, hand grenades, plastic bombs, and maybe soon also with tactical atomic weapons. He is motorized and linked to an information network with undergroud transmitters and radar gadgetry. Airplanes supply him with weapons and food from the air. It is also true, however, that today in Vietnam (1963) he must fight against helicopters and the efforts to cut off his supplies. Both he and his enemies keep up with the rapid development of modern technology and science.

An English maritime expert called piracy the "pre-scientific stage" of sea war. Departing from that same perspective, we would have to define the partisan as the pre-scientific stage of land war, and declare this to be the only scientific definition. In reality, from a scientific viewpoint, this definition is also immediately surpassed, because the disparity between sea and land war is itself quickly sucked into the vortex of technological progress and appears to many experts to belong to an already surpassed pre-scientific stage. The dead ride fast, and if they become motorized, they move even faster. In any case, the partisan, on whose telluric character we have focused, becomes the irritant for every rational, thinking person tied to certain ends and values. He provokes nothing short of a technocratic passion. The paradox of his existence exposes an incongruity: the industrial-technological perfection of the armament of a modern regular army *vis-à-vis* the agrarian, pre-industrial primitivism of partisans, who nevertheless fight effectively. This is what had already provoked Napoleon's rage against the Spanish guerrillas, and which was bound to grow along with advancing technological development.

As long as the partisan was only a "light troop," i.e., a tactically-mobile hussar or a hunter, his theorization remained the exclusive task of military science. Only revolutionary war made him a key figure of world history. What will happen to him in the age of atomic weapons of mass destruction? In a world organized entirely on technological bases, the old conceptions and the feudal-agrarian forms of combat, war, and enmity disappear. This is obvious. Do they disappear entirely because combat, war, and enmity are reduced to harmless social conflicts? When, according to certain optimistic convictions immanent in a world organized down to the smallest details along technological lines, regularity and rationality will have been deployed leaving no residues, the partisan may no longer be an irritant. Then, he will disappear simply

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of his own accord, within smooth technological-functional processes, just as a dog disappears from the freeway. For a mind that thinks only in technological terms it would simply be a matter for traffic cops, and certainly not a philosophical, moral, or juridical problem.

This would be the first aspect, the optimistic-technological one to be exact, of an exclusively technological viewpoint. It looks forward to a new world with a new man. Such expectations had already paved the way for the old Christianity and, two millennia later, in the 19th century, for socialism as a new Christianity. Neither of the two had the *efficiency* of modern technological means able to carry out total annihilation. Pure technology does not generate any theory of the partisan — as it is the case with exclusively technological reflections — but only an optimistic or pessimistic series of multivalent value judgements. As Ernst Forsthoff aptly put it, value has "its own logic," i.e., the logic of non-value and the destruction of the bearer of this non-value.[72]

As for what concerns the prediction of a widespread technological optimism, it has always a ready answer regarding its evident judgement of value and non-value. It believes that an irresistible industrial-technological development of humanity will transpose all questions and problems, as well as all answers, all types and situations, on an altogether new level, in which the old questions will practically become as unimportant as those of the Stone Age, after there was a shift to a superior cultural stage. Then the partisans will disappear, in the same way Stone Age hunters disappeared, unless they manage to survive by becoming assimilated to the new reality. At any rate, they will have become harmless and unimportant.

But what if this human type that has hitherto generated the partisan

72. See his famous article, "Die Umbildung des Verfassungsgesetzes" (1959). Those who posit a value always also posit, *eo ipso*, a non-value. The sense of this positing of non-value is the annihilation of non-value. This simple reality emerges not only in practice, as articulated in a 1920 publication, *Die Vernichtung des lebensunwerten Lebens* (although this example alone should suffice), but it was already announced at the same time, and with the same candor, in the Heinrich Rickert's *System der Philosophie*, Vol. I, 1921, p. 17. Accordingly, there is no negative existence, only negative values; the relation to negation is the criterion for establishing that something belongs within the sphere of values, that negation is the true act of valuation. See my 1961 treatment of this matter in Carl Schmitt, Eberhard Jüngel, and Sepp Schelz, *Die Tyrannei der Werte*, ed. by Sepp Schelz (Hamburg: Lutherisches Verlagshaus, 1979), pp. 9-43, and the article titled "Der Gegensatz von Gesellschaft und Gemeinschaft, als Beispiel einer zweigliedrigen Unterscheidung. Betrachtungen zur Struktur und zum Schicksal solcher Antitheses," in the *Festschrift* for Prof. Luis Legaz y Lacambra (Santiago de Compostela: 1960), Vol. I, pp. 174ff.

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succeeded to adapt to the technological-industrial environment, to avail himself of the new means, and became a new type of fighter, a figure that has managed to adapt, the partisan of the industrial age? Are there guarantees that the modern means of mass destruction end up in the right hands, and that an irregular struggle is inconceivable? Today, what remains in front of the optimism of progress is the pessimism of progress, and in front of its theoretical fantasies a greater field than can be imagined. In the shadow of today's atomic balance between the world powers, under the glass cover, so to speak, of their enormous means of mass destruction, it may be possible to create a maneuvering space reserved to a bracketed war, waged with conventional weapons and means of mass destruction, concernig which the great powers could openly or secretly agree about its character. That would provoke a war controlled by these powers, and would be something like a dogfight.[73] It would be a matter of an apparently harmless play of an exactly calculated irregularity, and an "ideal disorder" — ideal insofar as it could be manipulated by world powers.

Next to this solution, however, there is a radically pessimistic *tabula rasa* solution proposed by the technological imagination. Naturally, in an area devastated by modern weapons of mass destruction, everything would be destroyed, friends and enemies, regular and irregular fighters. Yet, it is technologically possible that some men may survive the hell of bombs and missiles. In view of this eventuality, it would be very practical and even rationally efficient to plan what could happen after the bombing, and immediately train men that could quickly occupy the craters opened by the bombs and take over the devastated region. Then, a new type of partisan would add a

73. "Finally, along with the totality of war, there is always the development, at the same time, of certain methods of clash and power confrontation that are not total. This is because, initially, each side seeks to avoid total war which, because of its very nature, implies total risk. Thus, in the period between the two world wars, the so-called military reprisals (the Corfu conflict in 1923, and the Sino-Japanese one of 1932), then the attempts to substitute economic sanctions for military initiatives on the basis of Art. 16 of the League of Nations Charter (in the Fall of 1935 against Italy), and finally, even certain methods of testing strength on foreign soil (in Spain in 1936-37), have developed in such a way as to find their exact explanation only by closely relating them to the total character of modern war. They are transitional, intermediate arrangements between total war and real peace. They receive their meaning from the fact that total war remains in the background as a possibility, and an understandable caution calls for setting precise intermediary zones. Only from this perspective can they even be understood scientifically by international law." See my article, "Totaler Feind, totaler Krieg, totaler Staat," in Carl Schmitt, *Positionen und Begriffe im Kampf mit Weimar — Genf — Versailles 1923-1939* [1940] (Berlin: Duncker & Humblot, 1988), p. 236.

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new chapter to world history, with a new type of space-appropriation.

Thus, our theme expands to the point of reaching planetary dimensions. It even includes interplanetary regions. Technological progress also makes possible journeys into cosmic spaces, thereby opening new dimensions for political conquests. In fact, the new spaces can and must be conquered by men. Old-style land- and sea-appropriations that human history has known up to now would have a sequel: a new type of space-appropriation. *Appropriation*, however, will be followed by *distribution* and then *production*. In this respect, despite all progress, everything remains as before. Technological progress will generate a new mode of appropriation, distribution, and production, thereby only intensifying the old questions.

In today's clash between East and West, especially the gigantic race for the incommensurably great new spaces, it is above all a question of political power over our planet, no matter how small it may appear. Only he who dominates an earth that has become so tiny will be able to appropriate and to use the new spaces. Consequently, even the new spaces are only potential battlefields, and they are such in a struggle for the domination over the earth. The famous astronauts and cosmonauts, hitherto used only as propaganda stars in the mass media (press, radio, and television), could become cosmopirates, maybe even cosmopartisans.

Legality and Legitimacy

In tracing the development of the partisan, we have run into the figure of General Salan, a very informative figure typical of the last stage of development. At the same time, it encapsulates the experiences and consequences of wars conducted by regular armies, as well as colonial, civil, and partisan wars. Salan thought all these experiences to the end, according to the ineluctable logic of the old adage: with a partisan, one fights like a partisan. He did so consistently, not only with the courage of a soldier, but also with the precision of a General Staff officer and the exactitude of a technocrat. The result was that he himself became a partisan, and ended up declaring war against his superiors and his own government.

What is the innermost core of such a fate? Salan's chief defense counsel, Maître Tixier-Vignancourt, found a formula in his closing argument of May 23, 1962 that answers our question. Regarding Salan's activity as head of the OAS, he said: "I must point out that, if at the head of the organization there had been an old militant communist rather than a great military leader, he would have acted in a way

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altogether different from that of General Salan."[74] This is the decisive point: a professional revolutionary would have acted differently. This professional revolutionary would have taken a position different from Salan's, and not just concerning the third party.

The development of the theory of the partisan from Clausewitz, through Lenin, to Mao has been driven by the dialectic of regular and irregular fighters, professional officers and professional revolutionaries. With the doctrine of psychological war, which French officers in Indochina took from Mao, this development is not some type of *ricorso* going back to its original point. In these matters, there is no return to the beginning. The partisan can wear the uniform and transform himself into a good, regular fighter, even into an especially heroic fighter, similar perhaps to what is said of the poacher who is able to transform himself into the best forest ranger. But all of this remains abstract. The elaboration of Mao's teachings by French career officers was somewhat abstract and, as was said also during Salan's trial, had something of an *esprit géometrique*.

The partisan can easily transform himself into a good soldier in uniform. For a good officer, on the other hand, the uniform is more than a costume. The regular soldier can take up an institutionalized profession; the irregular fighter cannot. The career officer can become the great founder of a monastic order, as did Saint Ignatius Loyola. The metamorphosis has something of pre- and sub-conventional, even a different meaning. One can vanish in the dark and transform it into a battlefield within which the power's traditional theater of operations is destroyed, and the great stage of official public opinion dislocated: all of this, however, cannot be organized when one has a technocratic intelligence. The Acheron cannot be planned and does not appear every time it is invoked, no matter how wise is the head of he who carries it out and how desperate the situation in which he finds himself.

It is not our task to guess what those intelligent and experienced officers who undertook the Algerian *putsch* of April 1961 and the OAS organizers thought they could have achieved with terrorost actions over a European population or regarding the above-mentioned interested third party. This last problem is already rather meaningful. We have already indicated that the partisan has an absolute need for legitimation if he is to remain within the political sphere, and not simply sink into that of a

74. *Le Procès de Raoul Salan*, *op. cit.*, p. 530.

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common criminal. The question cannot be resolved with some now common and easy antitheses, such as legality and legitimacy — in fact, precisely in this case, legality proves to have the much stronger validity, what it was originally for a republican, i.e., the rational, progressive, and only modern form; in a word, the *highest* form of legitimacy.

I do not want to repeat what I have been saying for over thirty years about this relevant theme. Only a few remarks are needed to understand the predicament of General Salan, a republican, during the years 1958-61. The French Republic is a regime ruled by law. This is its foundation, and cannot be allowed to be destroyed by the antithesis of right and law, or by the distinction between these two concepts by considering right as the higher authority. Neither the judiciary nor the army is above the law. There is a republican legality, and that is the only form of legitimacy within the Republic. For a true republican, everything else is a series of sophisms hostile to the Republic. This is why the public prosecutor in Salan's trial took the following simple and clear position; he always appealed to the "sovereignty of the law," which is superior to every other authority or norm. Otherwise, there would be no sovereignty of the law. It transforms the irregularity of the partisan into a deadly illegality.

Confronted with this position, Salan had no other argument than to recall how he himself, on May 15, 1958, had supported General de Gaulle in reconquering legal power from the then legal government; how he committed himself, in front of his conscience and his peers, his country and his God; how now (1963) he was being deceived and betrayed about what, in May 1958, had been declared to be sacrosanct.[75] He appealed to the nation against the state, to a higher type of legitimacy against legality. Even General de Gaulle, earlier, had often spoken of traditional and national legitimacy, contraposing it to republican legality. That changed in May 1958. Not even the fact that de Gaulle's own legality had been sealed with the September 1958 referendum, and that, therefore, before that date he did not have any republican legality on his side, changed Salan's situation, and he was compelled to occupy that desperate position (desperate for a soldier) to appeal to irregularity against regularity, and to transform a regular army into a partisan organization.

By itself, however, irregularity does not create anything. It is simply illegality. To be sure, it is indisputable that today there is a crisis of law and thus of legality. The classic concept of law, whose value is only to

75. *Ibid.*, p. 85.

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sustain republican legality, is being challenged in theory and in practice. In Germany, the appeal to right as opposed to law, even by jurists, has become axiomatic and it is not even noticed any more. Today, non-jurists simply appeal to legitimacy (not legality) when they claim that they have right on their side. Salan's case, however, demonstrates that in a modern state even a challenged legality remains stronger than any other type of right. This is the result of the state's decisionist power and its ability to transform right into law. Here, it is not necessary to discuss the matter any further.[76] Maybe things will change entirely when someday the state will "wither away." In the meantime, legality remains the inevitable mode of operation of every modern state army. The legal government decides who is the enemy against whom the army must fight. Those who claim to determine who the enemy is affirm their own legality in not wanting to accept the choice of the enemy made by the ruling government.

The Real Enemy

A declaration of war always implies the identification of an enemy. That is obvious, and at the beginning of a civil war it is even more so. When Salan declared civil war, he actually addressed two different enemies: on the Algerian front, by announcing the continuation of regular and irregular war; against the French government, by launching an illegal and irregular civil war. Nothing clarifies better the dead end in which Salan found himself than an examination of this double declaration of hostility. Every war on two fronts always raises the question concerning who is to be considered the real enemy. Is it not a sign of inner conflict to have more than one real enemy? If the enemy defines us, if our identity is unambiguous, where does the doubling of the enemy come from? The enemy is not something that can be set aside for whatever reason, or that must be annihilated because of his absolute lack of value. The enemy is on the same level as I am. For this reason, I must

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76. The Jacobins of the French Revolution still were aware of the sanctity of their concept of law; they were politically intelligent and courageous enough to distinguish sharply between *loi* and *mesure*, right and expediency, to define openly that measure as revolutionary, and to reject any mixtures reached by means of combinations of concepts. Unfortunately, this origin of the republican concept of law is not recognized by Karl Zeidler in *Massnamegesetz und "klassisches" Gesetz: Eine Kritik* (Karlsruhe: C. F. Müller Verlag, 1961); thus, he misses the essential problem. See gloss 3 to my 1932 monograph, "Legalität und Legitimität," in *Verfassungsrechtliche Aufsätze*, *op. cit.*, p. 347, and the references to legality and legitimacy in the index, pp. 512-13. Roman Schnur is writing a broader work, titled *Studien zum Begriff des Gesetzes*.

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deal with him in the course of a clash, in order to gain a measure of myself, my own limitation, and my figure.

Salan considered the Algerian partisan to be the foe. Suddenly, a worse and much more serious enemy appeared behind his back: his own government, his own superiors, his own brothers. In them, he saw a new enemy. This is the core of Salan's case. Yesterday's brother turned out to be the more dangerous enemy. There must also be some confusion within the concept of the enemy, and it must be related to the theory of war. In the conclusion of our exposition, we will now attempt to clarify this matter.

A historian will always be able to find, in any particular situation, examples and parallels in world history. We have traced some parallels with the Prussian situation of 1812-13. We also have shown how the partisan obtained his cultural legitimation from the ideas and the plans of Prussian military reformers of 1808-13 and his historical credentials from the Prussian *Landsturm* edict of April 1813. Thus, it is not as strange as it might first appear if now, in order to better unravel the central question, we refer to the situation in which Prussian General Hans von York found himself in the winter of 1812-13 as a counter-example. Enormous differences immediately come to the fore: Salan was a Frenchman of left-republican extraction and a modern technocrat, while in 1812 York was a general of the royal Prussian army, who would never have thought of declaring civil war against his king and his military superiors. In view of such disparities of time and human personality, it appears immaterial and even incidental that York also fought as an officer in the colonial East Indies. Yet, this striking antithesis clarifies even better that the central question is the same. In both cases it is a matter of deciding who is the real enemy.

Decisionist exactitude dominates the functioning of every modern organization, especially every modern, regular army. In this situation, for a contemporary general the question is very clear: an absolute either-or. The dramatic alternative between legality and legitimacy is only a result of the French Revolution and of its conflicts with the legitimate monarchy restored in 1815. In a legitimate pre-revolutionary monarchy, such as the kingdom of Prussia at that time, many feudal elements remained in relations between superiors and dependants. Loyalty had not yet become something "irrational," and had not yet dissolved into a crude and predictable functionalism. At that time Prussia was already a *state* in a very developed sense; its army could not deny its origin during the rule of Frederick the Great, although its military reformers wanted to modernize it, rather than return to some feudal form. Yet, the ambiance

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of the legitimate Prussian monarchy may not appear to today's observer to be so hard and decisive, so statist and decisionist. There is no need here to deal with that. What is important is most of all not to be led astray by the climate of the various epochs and not lose sight of the core question, i.e., who is the real enemy.

In 1812, York was in charge of the Prussian division allied with Napoleon as part of the French army of General Etienne-Jacques Macdonald. In December 1812, York defected to the enemy, the Russians, and concluded with Russian General Johann von Diebitsch the Treaty of Tauroggen. In the negotiations for a settlement, Lt. Col. von Clausewitz worked for the Russian side as a mediator. York's letter, dated January 3, 1813 and addressed to his king and supreme commander, has become a famous historical document. With good reason, because the Prussian general wrote very respectfully that he had expected from the king a decision as to whether he (York) should move "against the real enemy" or whether the king condemned his general's action. In the meantime, with the same dedication, he was ready, in case of a verdict, "to await the deadly bullet against the sand piles or on the battlefield."

The term "real enemy" is worthy of Clausewitz and hits the target. In York's letter to his king this is precisely what he wrote. That the general was ready "to await the deadly bullet against the sand piles" is typical of a soldier ready to assume the responsibility of his actions, and was not any different from how General Salan was ready to shout "*Vive la France!*" in front of the execution squad in Vincennes. That York protested against total submission to the king and reserved the decision concerning who the "real enemy" was confers to his writing that peculiar sense of a tragic rebellion. York was no partisan, and it never would have occurred to him to become one. Yet, from the standpoint of the concept of the real enemy and its meaning, becoming a partisan would not have been either senseless or illogical.

Obviously, this is only a heuristic fiction, admissible only during that brief moment when some Prussian officers had raised the partisan to an ideal intuition, and thus only during that period of time that led to the *Landsturm* edict of April 13, 1813. A few months later, the idea that a Prussian officer could become a partisan, even as a heuristic fiction, would have seemed absurd, and it would have always appeared that way, at least as long as there was a Prussian army. How was it possible that the partisan, who in the 17th century had sunk to the level of a *pícaro*, and in the 18th century to that of a light troop, for a moment, at the turn of the

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century (1812-13), could appear as a heroic figure, and eventually become, even during our own time, a key figure in world history?

The answer is that the irregularity of the partisan remains dependent on the meaning and content of a concrete regular system. After the social dissolution typical of Germany in the 17th century, a strong regularity developed in the 18th century with cabinet wars (*Kabinettkriege*). This regularity bracketed war so strongly that it could be considered a play in which light movable troops participated irregularly, and where the enemy ended up appearing as an enemy only in the most conventional way — an adversary in a war game (*Kriegsspiel*). The Spanish guerilla war began when Napoleon, in autumn 1808, defeated the regular Spanish army. Here lies the difference with Prussia in 1806-07 which, after the defeat of its regular army, immediately concluded a humiliating peace. The Spanish partisan reestablished the seriousness of war, first against Napoleon and then, on the defensive side of the old European states, whose old regularity, now degraded to the level of a convention play, was no longer a match for the new, Napoleonic regularity, and its revolutionary potential. Thus, the enemy became once again a real enemy, and war became a real war. The partisan who defends the national soil against the foreign invader became the hero — the true hero who actually fought a real enemy. In this Clausewitz saw something new, which led him to elaborate his theory and write *On War*. When, 100 years later, the military theory of a professional revolutionary like Lenin blindly destroyed all traditional bracketing of war, the latter became an absolute war and the partisan was transformed into the bearer of absolute enmity against a foe.

From the Enemy to the Foe

In the theory of war, it is always a matter of defining enmity exactly, i.e., what gives war its meaning and character. Every attempt to bracket or limit war must be upheld by the conviction that, in relation to the concept of war, enmity is the primary concept, and that the distinction among different types of war comes after different types of enmity. Otherwise, all efforts to bracket war is a mere play that collapses at the first appearance of real enmity. After the Napoleonic wars, irregular war was dislodged from the general consciousness of European theologians, philosophers, and jurists. In fact, there were some sincere friends of peace, who saw the end of wars in the abolition and proscription of conventional war in the Hague Land War Conventions. There were jurists who held that every theory of just war is *eo ipso* just, since Thomas Aquinas had thought

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something similar. No one had an inkling of what the unleashing of irregular war meant. No one had thought about where the prevalence of the civil over the military would lead, if one day citizens would put on a uniform, while the partisan takes it off in order to fight without it.

This lack of thought to take reality into account has completed the destructive work of professional revolutionaries. That was a great misfortune, because with that bracketing imposed on war, European humanity would have achieved something extraordinary: the rejection of the criminalization of the opponent, i.e., the relativization of enmity, denying the existence of absolute enmity. That was really extraordinary, something incredibly human, to bring men to the point of rejecting the discrimination and denigration of their enemy.

This is precisely what today seems to have been raised once again by the figure of the partisan. As we have seen, among its criteria there is also that of the extreme intensity of political engagement. When Che Guevara claims that "the partisan is the Jesuit of war," he was thinking about the absolute nature of political engagement. The personal history of every famous partisan, beginning with *Empecinado*, confirms this fact. In enmity, he who is deprived of every right seeks his right. In enmity, he finds the meaning of his cause and of his right, after having abandoned the edifice of protection and obedience within which he previously lived, after the laceration of the normative texture of legality from which he could expect legal protection. Then, every conventional play ends. Yet, this dissolution of legal protection does not by itself make the partisan. Michael Kohlhaas, whose sense of justice transformed him into a robber and a murderer, was no partisan, because he never reached the level of the political, since he fought exclusively for his own private right and not against a foreign invader or a revolutionary cause. In such cases, irregularity is apolitical and becomes purely criminal because it loses a positive connection with a regularity present and active somewhere. This is why the partisan distinguishes himself from the leader of bandits, whether or not he has these noble sentiments. In discussing relations with the global political context, we have emphasized that the interested third party plays an essential role when it provides that reference to the regular, which the partisan's irregularity needs in order to remain within the political sphere. Now, the substance of the political is not enmity pure and simple, but the ability to distinguish between friend and enemy, and to presuppose both friend and enemy. Although the powerful third party interested in the partisan's action can think or act as egoistically as he

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wishes, his political interest is on the side of the partisan. This results in the birth of a political friendship, which is already a type of political recognition, even if it does not come to public or formal recognition as a fighting part or as government. The *Empecinado* had a political stature for his people, for the regular army, and for the English world power. He was neither a Michael Kohlhaas nor a Schinderhannes, whose interested third parties were bands of malefactors. By contrast, Salan's political position foundered tragically because he became illegal on the level of domestic politics in his own fatherland as well as outside it, in the *mare magnum* of world politics, where he did not find any interested third party, but, on the contrary, he ran up against the united enemy front of anticolonialism.

Thus the partisan has a real enemy. That follows from his political character. Another limit of enmity follows from the partisan's telluric character. He defends a piece of land, with which he has an original relation. His fundamental position remains defensive, despite the growing mobility of his tactics. He behaves himself in the same way as did Joan of Arc before the clerical court. She was no partisan and fought against the English as a regular soldier. When the clerical judge asked her the question — truly a theological trap — whether she claimed that God hated the English, she answered: "I do not know whether God loves or hates the English; I only know that they must be driven out of France." Every normal partisan engaged in defending the national soil would have given a similar answer. Such a fundamentally defensive position determines also a fundamental limitation of enmity. The real enemy is not considered a foe, nor an enemy of mankind.[77]

Lenin shifted the conceptual center of gravity from war to politics, i.e., to the distinction of friend and enemy. That was significant and, following Clausewitz, a logical continuation of the idea that war is a continuation of politics. But Lenin, as a professional revolutionary engaged in a global civil war, went further and turned the real enemy into a foe. Clausewitz had

77. "Such a war (which at any given time could be declared to be the last war of mankind) is of necessity unusually intense and inhuman, because, by transcending the limits of the political framework, it simultaneously degrades the enemy into moral or other categories and is forced to make of him a monster that not only must be defeated, but also destroyed. In other words, he is an enemy who no longer must be compelled only to retreat into his borders. The feasibility of such a war is particularly illustrative of the fact that war as a real possibility is still present today, and this fact is crucial for the friend-enemy antithesis and for the recognition of politics." See Carl Schmitt, *The Concept of the Political*, tr., introduced and annotated by George Schwab (Chicago: The University of Chicago Press, 1996), pp. 36-37 (translation altered).

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spoken of an absolute war, but he always presupposed the regularity of an existing state structure. He could not conceive of a state becoming the instrument of a party, and of a party that gives orders to the state. With the absolutization of the party, the partisan also became something absolute, and he was raised to the level of a bearer of absolute enmity. Today, it is not difficult to see through the conceptual artifice provoked by this change of the concept of the enemy. On the contrary, today it is much more difficult to fight that other type of absolutization of the enemy, because it seems to be immanent to the reality of the nuclear age.

Technological-industrial developments have made possible ever more powerful armaments, to the point that they are now weapons of total annihilation. This state of affairs creates an infuriating disparity between protection and obedience. Half of mankind becomes hostage to the rulers of the other half, and is equipped with atomic weapons of mass destruction. Such absolute weapons of mass destruction require a foe in order not to appear inhuman. Of course, men, rather than weapons of mass destruction annihilate other men. Already in the 17th century, the English philosopher Thomas Hobbes had understood the core of the question, and formulated it very precisely,[78] although at that time (1659) the weapons were still rather harmless. Hobbes said: man is for other men, by whom he feels threatened, much more dangerous than any animal, to the extent that man's weapons are more dangerous than the beasts' so-called natural weapons such as teeth, claws, horns, and poisons. The German philosopher Hegel added: weapons are the fighter's very essence.

Concretely, this means that extra-conventional weapons require extra-conventional men. They presuppose them, not only as a postulate of a far-distant future, but as an existing reality. Thus, the present weapons of total mass destruction or men's premeditated evil do not constitute the ultimate danger. Rather, the danger lies in the inescapability of a moral obligation. Those men who use these weapons against other men feel compelled to destroy these other men, i.e., their victims, even morally. They must brand their opponents as criminal and inhuman, as an absolute non-value, otherwise, they themselves would become criminals and monsters. The logic of value and non-value unfolds all of its destructive consequence, and forces the creation of ever newer and deeper discriminations, criminalizations, and devaluations, up to the point of the annihilation of every life unworthy of existing.

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78. Thomas Hobbes, *De Homine*, IX, 3.

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In a world in which opponents mutually consign each other to the abyss of total devaluation, the premise for physical annihilation, new types of absolute enmity must be created. Enmity will become so frightful that maybe one should no longer speak of enemy or enmity, and both concepts will be formally banned even before the work of destruction can begin. Thus, all of this will become completely abstract and absolute. It is no longer directed against an enemy, but now all that is needed is a presumed objective imposition of the highest values for which, as is well known, no price would be too high. The denial of real enmity paves the way for the destructive work of absolute enmity.

In 1914, the nations and governments of Europe stumbled into WWI without any real enmity. Real enmity arose only out of the war, which began as a conventional war among states on the basis of European international law, and ended as a global civil war of revolutionary class enmity. Who will be able to prevent the rise of unexpected new types of enmity in an analogous but much greater extent, whose fulfillment will produce unexpected new forms of a new partisan? The theoretician can do no more than retain the concepts and call things by their name. The theory of the partisan flows into the concept of the political, into the question concerning who is the real enemy and in a new *nomos* of the earth.

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Dissonant Conjunctions: On Schönberg, Adorno, and Bloch

Roger W. H. Savage

Introduction

In the early 20th century, Arnold Schönberg's emancipation of dissonance broke with tradition and shattered the precepts of tonal unity and its analogue, historical coherence. By freeing dissonance from the traditional requirement concerning the resolution of discord, Schönberg dispelled the illusion of harmonious reconciliation. While this rejection of tonal music's aesthetic coherence articulated *fin de siècle* Vienna's failing confidence in its social and political institutions, his works had repercussions beyond his time. His response to tonal music's faltering sense of finality emphasized the crisis of closure that prefigured the postmodern condition by shattering the pretense of unity claimed by modernist ideals. His music challenged the validity of grand historical narratives, which governed the intelligibility of events by locating them within an unfolding totality.

Despite the distance separating Schönberg's revolution from the postmodern condition, his rejection of tonal mastery resonated with postmodern critiques of grand historical narratives. These critiques denounce the totalizing rule that provides history with its intelligible unity by subordinating the meaning of events to the Enlightenment ideal of progress. Jean-François Lyotard argued that the postmodern condition challenges the story of the Enlightenment's march toward universal peace.[1] The Enlightenment story legitimated the idea of progress from the vantage point of this ethical and political goal. The collapse of

1. Jean-François Lyotard, *The Postmodern Condition: A Report on Knowledge*, tr. by Geoff Bennington and Brian Massumi (Minneapolis: University of Minnesota Press, 1984), p. xxiv.

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foundationalist principles fueled postmodernist refutations of the idea of an essential course of progress. Postmodernity's reexamination of Enlightenment thought revealed how the Enlightenment's ethico-political end — universal peace — consigned justice, truth, and knowledge to propping the narrative that legitimated the idea of universal progress. Rejecting modernity's nostalgia for a reconciled totality, postmodernity attacked modernity's ethico-political ambitions.

These critiques rejecting nostalgia for a reconciled world and modernity's ethico-political horizon of a reconciled humanity mark the distance separating Schönberg's musical revolution from the postmodern condition. Conversely, this distance indicates the refractory relation between his subversion of traditional conventions and postmodernity's disavowal of the modernist project. Schönberg's revolt against tonal closure, where the final cadence traditionally secured the conclusion of a musical composition, shattered more than just the sense of temporal coherence created by a work's tonal unity. His atonal works exploded the metaphysical conceit inscribed in the aesthetic ideal of the resolution of dissonance when, by displacing this sense of coherence with its radical antithesis, they supplanted the ideal of a harmonious whole. In criticizing tonal identity, Schönberg's break with tradition rejected the ideal of reason embedded in tonal synthesis. Beethoven's mastery of the sonata form exemplified an ideal tonal synthesis that corresponded to reason's appearance on the world-historical stage.[2] Like the metaphysical master narrative that recounted reason's progress, tonal unity overcame contradictions through an ideal harmony. Within tonality's traditional context, overcoming dissonance was analogous to this master narrative's synthetic power. By criticizing tonal identity, Schönberg's music registered the crisis engendered by the renunciations of reason's metaphysical pretensions.

Ernst Bloch and Theodor W. Adorno located this crisis within the context of Schönberg's emancipation of dissonance: the historical rupture resulting from the rejection of the totalizing conceits of the Hegelian master narrative. Their interpretations of Schönberg's music clarify their respective standpoints. Adorno's philosophy reflected Schönberg's aesthetics by identifying Schönberg's music with negative dialectics'

2. The structure of the sonata form corresponded to the dialectical operation of sublating contradictions. The introduction of different themes in contrasting keys in the exposition presented the sonata form's "thesis" and "antithesis." The development section played out their "mediation," and the recapitulation connected the different themes in the tonic key, thereby effecting their dialectical synthesis.

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insistence on discord and dissonance as expressions of truth. Bloch's principle of hope intersected with Schönberg's revolutionary impulse through the emancipated dissonance's utopian anticipation of unfulfilled expectations. Both Bloch and Adorno confronted the perilous gap between past and future articulated by Schönberg's rejection of tradition from the vantage point of the utopian aim of critical reason. Yet, Schönberg's critique of tonal ideals went beyond both Bloch's and Adorno's engagements with the discord engendered by the destruction of the pretenses of Enlightenment reason. The catastrophes prefigured by Schönberg's portrayal of the *fin de siècle*'s crisis of confidence, and evidenced by 20th century disasters, attest to humanity's failure to master its common destiny. By recalling the moment of rupture, when in the early 20th century the force of tradition no longer assured continuity with the past, Schönberg's account of the crisis of reason continues to encourage a critical awareness of contemporary history. Postmodern critiques of modernity have not exhausted this impetus. By occluding this rupture, postmodern ironies condemn the present, which is the time of initiative, to a sempiternal interval between past and future. Thus, Schönberg's music, Adorno's critical theory, and Bloch's eschatological philosophy are starting points for rethinking reason and history within a new emerging horizon.

The Emancipation of Dissonance

Schönberg's emancipation of dissonance exemplified the predicament of Adorno's and Bloch's times. Adorno, who regarded dissonance as the trademark of modern music, saw in Schönberg's music an aesthetic counterpart to his insistence on resisting the coercive forces of master narratives. Accordingly, dissonance in modern music salvaged the critical remainder that constituted its truth. By transforming the beguiling moment of music's sensuous quality into its antithesis, Schönberg's music went beyond the one critical limit of rational knowledge — its inability to express suffering "through its own means of experience." Reason could subsume suffering and even provide the means to alleviate it. Yet, for knowledge, suffering remained occluded. Accordingly, for Adorno, a discordant concretion of this experience was necessary in an "age of incomprehensible horror"[3] stained with the memory of the catastrophes of the 20th century.

Bloch's reflections on Schönberg's music paralleled Adorno's. For Bloch, Schönberg's emancipation of dissonance expressed an unfulfilled

3. Theodor W. Adorno, *Aesthetic Theory*, tr. by Robert Hullot-Kentor (Minneapolis: Minnesota University Press, 1997), p. 18.

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longing for human freedom. The atmosphere of "noiseless dynamite, long anticipations, [and] suspended arrival"[4] brewing in Schönberg's music infused an age scarred by historical catastrophes with the hope for a better world. His music expressed the longing for possibilities that had not yet, and might never become a reality: this hope was "not only a basic feature of human consciousness, but, concretely corrected and grasped, a basic determination [of human praxis] within objective reality as a whole."[5]

The relation between dissonance's emancipation and the destruction of the pretenses of reason provided aesthetic touchstones for both Bloch and Adorno. Schönberg's music called into question reason's role in mastering history when, by renouncing tonality, it rejected existing principles of resolution. Traditionally, the final cadence sealed a work's identity by resolving the temporal movement initiated by its opening impulses. Tonal closure guaranteed the coherence of the work through the harmonious resolution of conflicts introduced by its individual parts. During the late 19th and early-20th centuries, expressive uses of dissonance increasingly loosened tonality's hold, thereby weakening the legitimacy of the final cadence. Confronted with the loss of the compositional pertinence of the traditional closing, Schönberg refused to force his music into "the Procrustean bed of tonality."[6] Occasional returns to tonic triads were not a sufficient counterbalance to the multitude of dissonances he employed in his Second String Quartet, Op. 10. Thus, he sought to resolve the dilemma posed by the lack of support for the final cadence by emancipating dissonance.

The explosion of this impulse toward unrestrained expression in Schönberg's music articulated the rupture he was reluctant to acknowledge. Along with many of his commentators, he regarded the emancipation of dissonance as a logical step in the evolution of Western music. By connecting the rejection of harmony with the evolution of the twelve-tone method (a method through which Schönberg related all twelve tones only to each other), they justified the emancipation of dissonance in terms of the master narrative that Schönberg had subverted. The introspective and deeply subjective nature of Schönberg's expressionism did not abandon reason when, by renouncing tonal mastery, he unleashed the expressive force of dissonance. Reason is at work in his monodrama *Erwartung*'s

4. Ernst Bloch, *The Principle of Hope*, 3 Vols., tr. by Neville Plaice, Stephen Plaice and Paul Knight (Cambridge: Basil Blackwell, 1986), Vol. 3, p. 1090.

5. *Ibid.*, Vol. 1, p. 7.

6. Arnold Schönberg, *Style and Idea*, tr. by Leo Black (Berkeley: University of California Press, 1975), p. 86.

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expression of dread. The sense of foreboding that pervades the solitary woman's search for her lover shattered the power of tonality. Schönberg's musical articulation of the woman's anxiety points out the uncertainty generated by the *fin de siècle*'s crisis of confidence. With the rejection of the unifying power of harmony, his music brought about an unprecedented break in temporal continuity that reflected a deepening discord between the certainty of tradition and the increasingly darkening horizons.

Adorno and Bloch called for reason to confront the ensuing discord, which in the aftermath of the Enlightenment's failed promise of universal peace, prefigured the threat of unabated social violence. By emancipating dissonance from tonal strictures, Schönberg's destruction of harmony delegitimated conventional dictates and exposed the force of negation that motivated Adorno's and Bloch's thought. Unlike many of Schönberg's commentators, Adorno and Bloch recognized that Schönberg's renunciation of tonality did not level the negative character of dissonance. Adorno capitalized on this negative aspect as the trademark of the truth of modern art. Despite falling prey to the unending negativity that his critique of reason unleashed, Adorno recognized that, by means of its dissonant expression of unresolved antagonism, Schönberg's rejection of tradition resisted the conversion of modern reason into an instrument of violence. As perhaps the last remaining medium of truth, art's expressions of discord negatively salvaged utopia in their determinate opposition to false social reconciliations. Bloch matched Adorno's standpoint by relating the force of dissonance to the hope of fulfilling expectations and possibilities. For Bloch, the negative character of dissonance was replete with unfulfilled expectations. Despite projecting the principle of hope into a utopian future, Bloch realized that Schönberg's articulation of discord anticipated overcoming occlusions through a praxis mediating between experiences and expectations. Schönberg's music showed how, through the rejection of harmony, dissonance and discord focused on a condition of *as yet* unfulfilled expectations. By capturing dissonance through its emancipation, Schönberg retained negatively efforts seeking fulfillment, thereby pointing to the crisis of reason to which Adorno and Bloch also responded.

An Aesthetics of Dissonance

Schönberg had exploded the illusory totality that, for Adorno, bore the scars of all identity thinking. Unlike Hegel, Adorno held that contradictions, which the Hegelian system turned into historical manifestations of the totality of reason, evidenced the "untruth of identity." For Adorno,

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the "fact that the concept does not exhaust the thing conceived"[7] militated against absolutes that hid fractures and antagonisms.[8] His negative dialectics resisted the conceptual mastery of thought by exposing contradictions that shattered the illusion of harmoniously reconciled individuals within the social whole. However, the primacy Adorno ascribed to dissonance and discord obscured his refractory relation to Schönberg's music. According to Adorno, Schönberg's music was a "music of identity in nonidentity."[9] Heeding norms "teleologically implicit in Viennese Classicism and then in Brahms,"[10] Schönberg freed music's subjective impulses from Classical and Romantic constraints. Classicism had promised to harmonize these impulses within a dynamically unfolding whole. By dissolving the façade of an organically integrated whole, Schönberg's music stressed the expressive character of the individual moments. Adorno, who measured Schönberg's achievements against Beethoven's, identified Schönberg's use of dissonance with the individual's protest against the rationalizing force of bourgeois society. Freeing expression from Classical-Romantic strictures, through his music Schönberg articulated the contradiction between an ideal universality, where individuals fit within social wholes without violence, and modern society's rational administration. Consequently, for Adorno, Schönberg's break with worn-out conventions confirmed his verdict that the Enlightenment's failure to bring about freedom through reason was objectively true.

By connecting Schönberg's rejection of tradition with his critique of Enlightenment reason, Adorno related nonidentity, which differentiated his work from Hegel's, to Schönberg's emancipation of dissonance. For Adorno, dialectics thrived on contradiction. Consequently, only the "consistent sense of nonidentity in identity" preserved the primacy of contradiction.

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7. Theodor W. Adorno, *Negative Dialectics*, tr. by E.B. Ashton (London: Routledge & Kegan Paul, 1973), p. 5.

8. Martin Jay's remark that Adorno's philosophy was as "'atonal' as the music he had absorbed from Schönberg" stressed the connection between Adorno's insistence on negative dialectics' claim to truth and Schönberg's expressionist music. See Martin Jay, *The Dialectical Imagination: A History of the Frankfurt School and the Institute of Social Research, 1923-1950* (Berkeley: University of California Press, 1973), p. 71. Jay explains that, of the members of the Frankfurt School, "Adorno perhaps most consistently expressed abhorrence of ontology and identity theory. At the same time, he also rejected naïve positivism as a non-reflective metaphysics of its own, contrasting it with a dialectics that neither denied nor fully accepted the phenomenal world as the ground of truth" (p. 70).

9. Theodor W. Adorno, *Prisms*, tr. by Samuel and Shierry Weber (Cambridge, Mass.: MIT Press, 1967), p. 154; see also Adorno, *Aesthetic Theory*, *op. cit.*, p. 157.

10. *Ibid.*, p. 156.

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Contradiction — "nonidentity under the aspect of identity"[11] — embodied the critical remainder that exposed the inadequacy of thought's attempt to master reality. Adorno regarded modern music's dissonant quality as an aesthetic manifestation of this principle of contradiction. Yet, Schönberg's atonal music embodied this quality not only through the emancipation of dissonance, but also through its articulation of discord. By identifying the emancipation of dissonance from harmony with the primacy of the principle of contradiction, Adorno related Schönberg's configuration of emancipated dissonances with negative dialectics. But by insisting on the primacy of contradiction, Adorno also occluded the differences between Schönberg and himself. Schönberg's compositions highlighted the aporias revealed by the emancipation of dissonance by arresting the drive toward resolution. Adorno confused Schönberg's articulation of these aporias with the rejection of identity thinking, when he subordinated Schönberg's expression of truth to the requirement of "nonidentity under the aspect of identity," as though the meaning of dissonance could be broached through negative dialectics. Schönberg's music expressed the discord that negative dialectics identified as the source of its truth. Yet, by subordinating Schönberg's emancipation of dissonance to the struggle against identity thinking, Adorno displaced Schönberg's response to the faltering legitimacy of the tonal tradition with resistance to the conceit of conceptual mastery

Adorno's claim that dissonance is "the truth about harmony"[12] integrated Schönberg's revolt against tradition within the framework of negative dialectics. The emancipation of music from Classicism's ideal of aesthetic harmony paralleled critical thought's turn against reason's claim to master reality. Therefore, the suspension of aesthetic harmony corresponded to Adorno's goal of identifying the contradictions of conceptual structures. Yet, this attempt to counter the rule of thought unleashed the paradox of the relentless negativity of his critique. Unable to escape the law that to "think is to identify,"[13] Adorno pursued the vicious circularity of a critique locked in the contradiction of the conceptual inadequacy of thought. Because Schönberg's music rejected tonal precepts, it was an aspect of the developing truth-content of art. The association of harmony and thought forged a bond between Schönberg's emancipation of dissonance and negative dialectics. Schönberg's music expressed the truth of a suffering world by exposing as untrue the semblance of reconciliation

11. Adorno, *Negative Dialectics, op. cit.*, p. 5.
12. Adorno, *Aesthetic Theory, op. cit.*, p. 110.
13. Adorno, *Negative Dialectics, op. cit.*, p. 5.

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projected by harmony. Consequently, for Adorno, Schönberg's music fit well with his critique of the failure of Enlightenment reason to realize its promise of universal peace.[14]

Despite the affinity between Schönberg's renunciation of tonality and the expression of suffering, Adorno's framing of dissonance as the nonidentical remainder of harmony relegated Schönberg's rejection of tradition to the performative contradiction of a totalizing critique.[15] Adorno believed that the inability of knowledge to express suffering compelled thought to seek in artworks an understanding of the objective demand for an end to alienation and violence. Since suffering faded when conceptualized, only authentic artworks could register an experience that, after Auschwitz, could hardly be described adequately. Yet, as perhaps the last light in a world darkened by catastrophes, artworks pointed to the disaster of Enlightenment reason's conversion into an instrument of repression.[16] That modern art's apparent irrationality was the only rational response in an age of incomprehensible horror hypostatized dissonance by connecting it with the principle of contradiction. Thus, as a mode of remembrance for a hoped-for freedom, modern art embodied the contradiction of its nonidentity with empirical reality. Schönberg teetered on the paradox of a meaning that registered the crisis of a historical rupture as a discordant whole. For Adorno, this music's opposition to a rationally administered world held out scarcely any hope for the transformation of reality. Despite his analysis of its protest against the lack of meaning, Schönberg's music overcame the contradiction of a critique suspended within its relentless negativity through its articulation of the crisis of a receding future.

Thus, musical expressionism's refractory relation with Adorno's philosophy pointed to the trap set by negative dialectics' insistence on the

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14. See Theodor W. Adorno and Max Horkheimer, *Dialectic of Enlightenment*, tr. by John Cumming (London: Verso, 1979). Adorno and Horkheimer identified the dialectic of enlightenment with reason's conversion into a calculating instrument. They argued that, in its most general sense, reason intended to establish man's sovereignty by securing itself "against the return of the mythic" (25). Yet, through becoming a tool for the rational administration of society, reason extinguished all traces of its own self-consciousness.

15. See Jürgen Habermas, *The Philosophical Discourse of Modernity*, tr. by Frederick Lawrence (Cambridge., Mass.: The MIT Press, 1987), p. 119.

16. See Theodor W. Adorno, "The Aging of the New Music," in *Telos* 77 (Fall 1988). Adorno faulted post-1945 avant-garde music, which he believed had adapted its techniques to the drive toward integration, for falling into "contradiction with its own idea" (p. 96). By renouncing its claim to truth, this music rejected its *raison d'être* and retreated to a "place removed from its own aporia." See Theodor W. Adorno, *Introduction to the Sociology of Music*, tr. by E. B. Ashton (New York: Continuum, 1989), p. 87.

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principle of contradiction. Unambiguously opposed to all false representations of utopian freedom, negative dialectics' criterion of truth culminated in a critique that placed utopian expectations beyond practical reach. Since, for Adorno, utopia consisted "essentially in the determined negation . . . of that which merely is,"[17] the disavowal of concrete utopian images banned utopian expectations to an infinite future. Consequently, for art, as for critique, "utopia — the yet-to-exist"[18] remained suspended beyond the present's ideological complexion as a condition of freedom that could only be defined negatively. Nonidentity served as the placeholder for an unnamable truth. Uncompromisingly critical, negative dialectics lost itself within its relentless transcendence of ideological representations through a strategy where negativity and nonidentity remained the last refuge for truth.

By extending his commitment to the prohibition against images to modern art, Adorno overlooked how Schönberg's musical expressionism was a response to the crisis reflected by his emancipation of dissonance. Adorno was convinced that expressionism was more powerful as an idea than as an aesthetic practice: expressionism's utopia of concrete individuality was a fragment of false consciousness.[19] Accordingly, Schönberg never wrote the symphony into which Adorno believed Schönberg's work ought to have coalesced, since it proved impossible for Schönberg not to violate the postulate that coordinated the authentic impulse of art with negative dialectics' claim to truth. Adorno's appeal to an "unwritten symphony" imposed his ideal as the condition for the critical authority of musical expressionism. His interpretation of Schönberg's music led Adorno to overlook how this music framed the crisis confronting Adorno. Schönberg's arresting of dissonance differed from Adorno's strategy as a self-conscious reflection of the distance separating the rejection of tradition from receding utopian horizons. Schönberg's expression of discord confronted this distance, whereas Adorno's critical stance preserved it in order to invert identity thinking's concept of truth. In place of a concept of truth that related concept and thing, Adorno identified nonidentity with truth (the truth of identity thinking's untruth). The root of the totalizing critique, the relation of truth and nonidentity, imprisoned thought within

17. Ernst Bloch and Theodor W. Adorno, "Something's Missing: A Discussion between Ernst Bloch and Theodor W. Adorno on the Contradictions of Utopian Longing" in Ernst Bloch, *The Utopian Function of Art and Literature. Selected Essays*, tr. by Jack Zipes and Frank Mecklenburg (Cambridge, MA: The MIT Press, 1988), p. 12.

18. Adorno, *Aesthetic Theory*, *op. cit.*, p. 135.

19. *Ibid.*, p. 181.

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the negative stance of critique. Adorno did not realize how the fragility of expressionism as an aesthetic practice related to his strategy. Despite Schönberg's articulation of the crisis of reason, Adorno's postulate of incessant innovation within a musical composition subordinated Schönberg's destruction of tonality to nonidentity as the measure of truth.[20] Thus, the aesthetic understanding of dissonance served only to model how an atonal philosophy wrested reason from thought's pretension to conceptual mastery by increasing the distance separating critique from the practical task of overcoming suffering.

The Principle of Hope

Bloch countered Adorno's standpoint by stressing how hope charged dissonant experiences with expectations. Despite Bloch's recourse to an ungrounded principle, his interpretation provided a more viable alternative to Adorno's view of the relation between Schönberg's emancipation of dissonance and the crisis of utopian longing. Instructed by hope's responses to suffering, the principle that hope engendered identified the drive toward humanity's homeland with the fulfillment of utopian longing. For Bloch, this principle sprang from daydreams and wishes, which first expressed the longing that motivated humanity's venturing beyond its immediate horizons. Hope provided consciousness with its anticipatory structure. Aesthetic, technological, religious, and philosophical utopias prefigured a brighter future. Possibilities for a better life, and the will to act in accordance with them, blazed ahead of experiences of oppression, alienation, and violence. Hope was more than vague utopian sentiments. Its response to the feeling that something was missing was to seek possibilities that were not yet, but might become a reality. According to Bloch, aesthetic projections of these possibilities in art spotlighted the hollow space of the present's darkness with their utopian light. By overshooting present horizons, art filled this hollow space with the consciousness of utopian longings.

For Bloch, Schönberg's music expressed the mood of his age by intensifying the expectation of utopian fulfillment through its rejection of tradition. Schönberg's emancipation of dissonance pointed to unachieved possibilities by indicating how, in the present, the hope of utopian expectations had been postponed indefinitely. By renouncing harmony along with the traditional cadential ending of tonal works, Schönberg uncovered the arrested drive toward humanity's ultimate homeland. By going beyond the

20. Adorno, *Prisms*, *op. cit.*, p. 163.

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Classical and Romantic paradigm of tonality, Schönberg's compositions deconstructed tonal representations of bourgeois society's conflict-laden structures. By superseding the Classical-Romantic paradigm of the resolution of dissonance after having exhausted the technical breadth of tonality, Schönberg's atonal and twelve-tone music ran ahead of the existing social order. His break with tradition intensified the rupture between past and future by projecting a transitional state separating bourgeois society's expired legitimacy from the final realization of freedom.

From Bloch's eschatological vantage point, Schönberg's music heightened Marxist expectations for a transformed society by arresting the drive of dissonance toward resolution. According to Bloch, the sense of shock produced by Schönberg's music was more a response to the abandoned familiarity of ingrained habits than a reaction against the approach of an as yet uncomprehended future. The shock of Schönberg's rejection of tradition registered an approaching historical front that could not be mastered by means of existing habits of thought. According to Bloch, the note of despair sometimes attributed to Schönberg's music only reflected the "hopelessness of the bourgeoisie . . . and its interest in sapping all will for change"[21] from its alienated victims. The truth embedded within this note of despair went beyond bourgeois society's hopelessness by differentiating between the sense of reason (*ratio)* articulated by Schönberg's music and total nihilism. Although Schönberg's music was "full of the scars of a hard, far from paradisical period of transition," it did not mimic the bourgeoisie's desolation. A "time-legitimate light" spotlighting the hollow space between the receding horizon of the past and the approaching future, Schönberg's music was "equally full of the . . . still undefined spark-figure"[22] of reason's utopian face.

Accordingly, Schönberg's music pointed to reason's dependence on the principle of hope when, in penetrating this hollow space, it articulated the arrested movement of emancipated dissonances. By renouncing tonal closure, Schönberg confronted the crisis of reason's inability to master history conceptually through his music's configuration of the suspended resolution of dissonance. As a way of highlighting the historical foment of an interval between past and future, his atonal music intensified the sense of unfulfilled possibilities that for Bloch constituted the anticipatory structure of consciousness. This structure connected reason with expectations that embraced hopes, wishes, and desires for a better life. Thus, reason pro-

21. Bloch, *Principle of Hope*, *op. cit.*, Vol. 3, p. 1090.
22. *Ibid.*, p. 1090-1091.

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jected itself into the future by seeking to end violence and suffering. That this music's "expressive character was one of complete openness"[23] was in accord with reason, which the principle of hope identified with the drive toward freedom's eschatological core. According to Bloch, Schönberg's dissonant polyphony expressed this drive by renouncing the tonal ambition of the sonata form. By transforming the sonata form's return and arrival with the recapitulation of reconciled themes into its antithesis, this music replaced the fullness of linear polyphony's tranquility with the restlessness of hope's unfulfilled promise.[24] According to Bloch, as models of striving and utopian repose, sonata and fugue together prefigured humanity's victory over the *nihilo*. By inverting this model of repose in response to the worn-out legitimacy of the tonal cadence, Schönberg's music re-enervated music's portrayal of utopian strivings by binding its poetic idea — its reason — to the militant optimism of hope.

Bloch integrated this inverted model of repose into his Marxist eschatology. The ultimate homeland toward which all utopian longings strove was "not *yet in the sense of a possibility.*"[25] Schönberg's rejection of the resolution of tonality pointed out how the suspended movement of dissonance intensified the anticipation of an end to discord, suffering, and scarcity. Against Bloch's claim that in twelve-tone music dissonance and consonance became meaningless as modulation and cadence gave way to a "more gliding, muted and strict sequence-connection,"[26] Schönberg's revolt against tonal closure expressed the anticipatory structure that Bloch identified as a basic feature of consciousness. For Bloch, utopia "works only for the sake of the present which is to be attained."[27] Correspondingly, the rejection of tradition and the antithetical model of utopian repose depicted by Schönberg's dissonant polyphony revealed the relation of reason to this basic feature of consciousness by prefiguring the crisis of a receding utopia.

Bloch argued that the displacement of utopia from its spatial locations to the temporal horizon of hope connected reason with the anticipatory

23. *Ibid.*, p. 1091.

24. Bloch drew upon the analogy between the sonata form and dialectics in identifying the latter with hope's drive toward the future. In contrast to the sonata form's dynamic structure, the fugue's polyphonic structure consisted of equal, independent voices and presented a model of repose. For Bloch, the sonata form was a complementary figure of utopian striving and fulfillment.

25. Bloch and Adorno, "Something's Missing," *op. cit.*, p. 3.

26. Bloch, *Principle of Hope*, *op. cit.*, Vol. 3, p. 1089.

27. *Ibid.*, Vol. 1, p. 315.

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structure of consciousness. Thomas Moore identified utopia with a distant place to which one could travel. Utopias in the 18th and 19th centuries located the wishland of fulfilled expectations in the future. Bloch's principle of hope capitalized on this transformation of the topos of utopian thought from spatial travel to a temporal journey. This principle drew its force and meaning from the possibility that, in making this journey, "the island utopia [might rise] . . . out of the sea of the possible."[28] As a place that in reality is no place, utopia prefigured possibilities that are not yet a reality. Accordingly, humanity's destiny rested with its success in completing this journey, so that in making its own history humanity would at last come into its own.

By connecting the anticipatory structure of utopian consciousness with this Marxist trajectory, where history is made in circumstances not chosen, Bloch's principle of hope succumbed to the totalizing ambitions of seeking to carry out an absolutely radical critique. His conviction that Marxism unified reason and hope, and that "no other science has any future, [and] no other future has any science"[29] implicated the anticipatory structure of the principle of hope in cultivating an all-encompassing reflection on humanity's historical vocation. For Bloch, Schönberg's modernist appropriation of polyphony was a cipher for this unrealized Marxist goal. Schönberg's dissonant polyphony symbolized how rejecting the bourgeois ideals represented by the tonal unity of the sonata form unleashed the drive toward true utopian repose. Bourgeois society's resistance to the utopia that for Bloch represented humanity's ultimate destiny blocked the path to freedom. Schönberg's music shattered this resistance when, in contrast to its despair, it registered the depths of utopian longing. By secularizing hope, Bloch relocated these longings within a Marxist framework. Schönberg's music confirmed the displacement of hope onto its properly Marxist horizon. Consequently, Schönberg's music prefigured the leap into the new, which Bloch marshaled by subordinating hope to his standpoint. This leap heralded the principle of hope's chiliastic foundation. Predicated on an objectively real, Marxist core, Bloch's principle of hope abandoned its historical anchorages in order to proclaim the coming of Marxist freedom.

By binding reason to this future, Bloch tied Schönberg's rejection of tradition to the chiliastic root of the principle of hope. Despite his acknowledgment that the note of despair in Schönberg's music resonated

28. Ernst Bloch, *The Utopian Function of Art and Literature*, tr. by Jack Zipes and Frank Mecklenburg (Cambridge, MA.: MIT Press, 1988), p 3.

29. Bloch, *Principle of Hope*, *op. cit.*, Vol. 3, p. 1367.

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with bourgeois society's failing confidence, he abrogated Schönberg's prefiguration of the implosion of the postmodern condition. By binding reason to the Marxist foundations of the principle of hope, he forestalled postmodern denouncements of Enlightenment reason and grand historical narratives. Yet, through its concrete-utopian venturing toward its Marxist core, Bloch's principle of hope sealed the withdrawal of reason into the infinitely receding horizon of hope's utopian repose. Despite the anticipatory structure of hope, and his eschatological understanding of experiences where something is missing as indicating an unfinished project, Bloch framed reason in terms of an all-encompassing reflection on the historical trajectory of hope. Yet, his rejoinder to the crisis articulated by Schönberg's renunciation of tonality identified reason with hope in response to the Enlightenment's failed promise of universal peace. That reason could not "blossom without hope, [nor] hope . . . . speak without reason"[30] marked the difference between Bloch's and Adorno's interpretation of Schönberg. Redefined by reason's militant relation to the principle of hope, Schönberg's music anticipated the end of the human journey by pointing to its suspended arrival to the ultimate homeland. Bloch remarked that the "German word for reason [*Vernunft*] has an acoustic sense of meaning, [and] that it is derived from the word for hearing [*vernehmen*]."[31] As a basic feature of consciousness, hope energized reason in response to humanity's thirst for meaning. Schönberg's destruction of grand narratives embodied this acoustic sense by prefiguring the crisis of the historical role of reason. In return, his prefiguration of the shattered presumption of the continuity of the future, the present, and the past, pointed out how reason makes sense out of hope by acknowledging the task of mediating expectations and experiences within the interval between past and future.

Between an Aesthetics of Dissonance and the Principle of Hope

Adorno and Bloch differed concerning the task that hope gives reason by confronting the destruction of master narratives with the crisis of receding historical horizons. In denouncing practical alternatives for failing to measure up to his standard of truth, Adorno's strategy divorced critique from the challenge of preserving the tension between expectations and experiences. This strategy confined critique to condemning as ideological every alternative that violated the prohibition against false utopian representations.

30. *Ibid.*, Vol. 3, p. 1367.
31. *Ibid.*, Vol. 3, p. 1399.

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With this totalizing critique, Adorno maintained its critical vigilance by operating within the paradox of unrelenting negativity. Bloch countered Adorno's critique with a principle that, unlike negative dialectics' principle of contradiction, framed reason within the anticipatory structure of consciousness. Experiences of negation, which embodied the discord between expectations and the sense that something is wanting, aligned reason with hope. Yet, by tempting reason with purely utopian expectations of humanity's homeland, Bloch's principle of hope equated the core of unrealized possibilities with this chiliastic appearance of the Marxist homeland.

Schönberg's response to the crisis of receding historical horizons crossed Adorno's and Bloch's critical perspectives. His musical articulation of the discord arising from the destruction of the continuity of past and future spotlighted reason's predicament by emphasizing the temporal fragmentation of history. Yet, his destruction of the ideal of tonality, which corresponded to the destruction of history's grand narrative, remained equidistant from Bloch's chiliastic principle and Adorno's relentless critique. Thus, Schönberg's music enriched Adorno's and Bloch's standpoints by highlighting the tensions exemplified by the emancipation of dissonance. From Adorno's vantage point, philosophy could only be practiced responsibly "in the face of despair . . . [by attempting] to contemplate all things as they would present themselves from the standpoint of redemption."[32] In an age where the possibility for paradise on earth converged with the possibility of total catastrophe, Schönberg's music embodied a negativity that, for Adorno, condemned social reality for its lack of truth without betraying utopia to existing practices. Yet, by encumbering Schönberg's music with thought's obligation to resist the conceit of reason's conceptual mastery, Adorno projected the horizon of redemption (to which Schönberg's music attested) to an infinite future. Despite its utopian impulse, Adorno tended to isolate critique from the practical aim of reason to overcome the distance separating experiences from expectations. Suspended between redemption and despair, Adorno's strategy prefigured the historical implosion consummated by postmodern deconstructions of Enlightenment reason's ambitions and its ethico-political goal.

Bloch escaped the contradiction of Adorno's strategy when, in identifying hope with reason, he connected experiences of discord with the anticipation of unrealized possibilities. For him, the "finally intended

32. Theodor W. Adorno, *Minima Moralia*, tr. by E. F. H. Jephcott (London: Verso, 1974), p. 247.

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distancelessness [that] is sprinkled into all utopian distances"[33] distinguished the anticipatory structure of consciousness from a critique that lost itself in its unremitting negativity. Conceived in the spirit of hope, Schönberg's music announced the postponement of the arrival of humanity to its ultimate homeland. For Bloch, Schönberg's music worked "only for the sake of the present which is to be attained."[34] Yet, Schönberg's articulation of emancipated dissonances arrested expectations without declaring the ultimate end. By relating Schönberg's suspension of resolution with his principle of hope, Bloch identified Schönberg's rejection of tradition with this principle's intended horizon. Despite its insight into reason's dependence on hope, this principle abandoned its anchorages in practical experiences. By binding hope to his utopian goal, Bloch's eschatology withdrew into that future horizon from which history receded.

Schönberg's renunciation of tonality linked Bloch's eschatology with Adorno's negative dialectics as two limits of the crisis of modern reason. By highlighting the failure of confidence in reason's capacity to master history, Schönberg's rejection of tradition disclosed a deepening breach between critiques of grand historical narratives' pretense to capture history's meaning and the preservation of the tension between experiences and expectations. Adorno's vigilance in the face of incomprehensible suffering, and Bloch's militant hope, confronted the Enlightenment's failure with conflicting alternatives. Schönberg's rejection of tonality responded to the crisis resounding in his music by enjoining reason to withstand the allure of purely utopian thinking and its nihilistic destruction. His music transcended his time in announcing the crisis concealed behind postmodern implosions of a historical present suspended between the disappearing horizons of past and future. Between the limits of relentless critique and utopian hope, Schönberg's music responded by raising anew the question of how contemporary history can be understood.

Conclusion

The call for a more modest reason that avoids the alternatives of grand historical narratives or their postmodern destruction resonates with Schönberg's musical rejoinder to the *fin de siècle* crisis of confidence. Adorno's and Bloch's readings of Schönberg's break with tonality identified dissonance with negative dialectics and the principle of hope. Despite Bloch's understanding of the drive toward utopian fulfillment,

33. Bloch, *Principle of Hope*, *op. cit.* Vol. 1, p. 315.
34. *Ibid.*, Vol. 1, p. 315.

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his chiliastic principle lost its historical handle by locating humanity's ultimate homeland within his Marxist framework. Conversely, Adorno lost himself within the performative contradiction of a totalizing critique. Adorno's and Bloch's differences regarding Schönberg's articulation of the crisis precipitated by the modernist rupture with tradition further clarified their respective positions. Between negative dialectics and the principle of hope, Schönberg's response charged reason with the task of going beyond the dangers of either removing all expectations to an infinite distance or abandoning all historical handles by preserving the tensions between experiences and expectations. By avoiding the temptations of a totalizing reflection or a totalizing critique, reason responds to the challenge of preserving this tension by continually renewing the imperfect mediation between past and future.

Schönberg's break with tradition anticipated postmodernist deconstructions of grand narratives and placed his music in a new light, which bridges the distance separating his radical stance from the postmodern condition. Adorno's critical vehemence and Bloch's militant hope marked the limits of reason within receding historical horizons. Both describe a condition where the schism between experiences of suffering and utopian expectations seemingly compelled thought and reason to take refuge within a strategy of *ad hoc* negations or to take flight with utopian hope. By renouncing tonality in the face of the failing legitimacy of the tonal cadence, Schönberg, through the emancipation of dissonance, articulated a condition where discord shattered the presumption of the continuity of time. His response to the condition of his time calls for reflection and critique to resist both the temptation of purely utopian expectations and the seduction of denouncing as ideological every alternative to the real. Like Schönberg's music, reason continues to speak within the interval between the horizons of the past and those of an undecided future.

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new german critique

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Number 89 **Spring-Summer 2003**

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Eros and Emergence

Catherine Pickstock

I

Ever since Plato, philosophy has seen a profound link between knowledge and desire. Why does one desire at all, when it involves so much labor? Is motivation of learning a clue to the nature of knowledge? This link is particularly apparent in Plato's *Meno*, one of the most important *loci* for the Platonic doctrine of recollection. Socrates' interlocutor, Meno, poses a problem known as the "*aporia* of learning": "Why, on what lines will you look, Socrates, for a thing of whose nature you know nothing at all? Pray, what sort of thing, amongst those that you know not, will you treat us to as the object of your search? Or even supposing, at the best, that you hit upon it, how will you know it is the thing you did not know?"[1]

This presents a double problematic: how can one seek to discover something about which one is ignorant? How does one recognize a truth when one finds it, if previously one had been ignorant of this truth? As everyone knows, Socrates' solution to both sides of the *aporia* is to argue that, before birth, one's soul possessed perfect understanding, and that the process of human learning in time is less a matter of discovery than of remembering. He dramatically argues for this solution by putting a slave-boy through his geometric paces, and shows that, untaught, he can derive new conclusions from a few given postulates.

Very often, this argument has been seen as fallacious. Equally often, it has been regarded as a mythical presentation of a doctrine of *a priori* understanding. It makes sense, it is contended, for Socrates to argue that

1. *Meno*, tr. by W. R. M. Lamb (Cambridge, MA.: Harvard University Press, 1990), 80d.

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geometric knowledge is "in" the boy's soul already, in the sense that the mind applies logical principles which in some sense are pre-inscribed within the mind — whether transcendentally, or psychologically, or in terms of the mind's access to some sort of logical universe — rather than being discovered empirically. But the myth of pre-existence is entirely apart from the truth of this argument: the myth represents either Plato's merely tentative grasp of the notion of an *a priori* or just a colorful and rhetorical presentation of the latter.

These common readings all suppose that the dialogue "resolves" the *aporia* in a straightforward fashion. In effect, this overcomes and explains the moment of desire in the process of learning. Socrates, according to the mythical mode of presentation, desires to know what he does not know, because once in a previous life his soul had been perfectly acquainted with the thing, and therefore had no need of any desire to know it. The more he is able to recall this knowledge, the more his desire to know is outrun and becomes redundant. He is now replete with knowledge, so he no longer desires to know. Demythologized, this means that Socrates recovers through reflection his innate understanding. In this process, desire is once again fulfilled and thereby once again cancelled.

But is this really what the dialogue says? In his *Confessions*, Augustine presents a Christian version of the problematic of the *Meno* (of which he was unacquainted in its original version).[2] He asks how he can search for God, call upon him, without God being already present. Augustine presents a double answer: he can search for God, because God has already rendered himself present to his mind in every act of thinking; to be able to think is to be illuminated by the divine light. However, for Augustine, this light has been severely impaired by sin, and must now be mediated through divine grace conveyed by the Church. Augustine knows to search for God, because he has heard from a teacher of the complete descent of the divine light upon earth in the Incarnation.

Thus, one could say that in *Confessions* the Platonic doctrine of recollection is reworked as the theory of illumination and that this is supplemented in terms of the historical exigency of revelation. However, a rereading of *Meno* suggests that the contrast between the Augustinian reworking and the Platonic original can be overdrawn. Meno derives the following from his problematic sceptical conclusions: learning is impossible, because either one knows something already, or if not, one is unaware

2. *Confessions*, tr. by Henry Chadwick (Oxford: Oxford University Press, 1991), I.i.

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of one's ignorance and so does not seek to remedy it. Socrates claims that he is able to refute this sceptical implication. However, he does not offer an argument; instead, he says that he has "heard the sayings of men and women who were wise, and knowing in divine things" and that these people were "priests and priestesses" whose teachings are also found in "Pindar and many other of the poets." These sayings concern the doctrine of the immortality and transmigration of souls.

Is this dramatic aspect of the dialogue part of the merely colorful and rhetorical invocation of myth? Perhaps, but two points may give us pause. First of all, the priests and priestesses are said to have "made it their business to be able to give a rational account of those things in which they were employed."[3] It seems then that their teaching is not to be regarded as a mere *mythos*, but is already a *logos*. These learned people had a rationally reflective relation to the rituals and stories of which they were the conveyors. This circumstance may suggest (though does not by itself prove) that Plato did not see any sharp separation between the religious and the philosophical realms of discourse.

In the second place, the artfully literary character of the Platonic dialogues renders it certain that Plato deliberately insinuates a parallel between the problematic "desiring to know" involved in all learning, on the one hand, and Socrates' claiming to possess the solution to this problematic, because he has been taught it, on the other. One trivial solution to the *aporia*, but also one aspect of any solution, is that one seeks to know about something, because one has been informed about it. A child may seek to know what a molecule is, because by chance one day she hears the word "molecule" uttered. Or she may know that Africa is a country and seek in her Atlas to find out where it is and who lives there. It cannot be accidental that Socrates invokes the fact of teaching at this point. Indeed, that he has been taught the solution to the *aporia* of learning, in part performatively resolves the *aporia*. However, exactly like Augustine in this respect, he does not simply invoke any old teaching, but rather the teaching of a divinely revealed tradition. As with Augustine, this sacred pedagogy forms a third term linking the "education" solution to the *aporia* with the "recollection/illumination" solution. In either case, the reader is left wondering how this third term of linkage works: would not education on its own work as a solution (albeit a relativistic one)? Or else, recollection/illumination on its own? Why does an ontological solution need an historicist supplement? Is there

3. *Meno*, 81b.

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not more a kind of mutual redundancy than a complementarity present here?

Leaving the latter issue in suspense for the moment, one can nevertheless say that Socrates' dramatic narrative suggests that the religious/mythic dimension is for Plato essential to the philosophic dimension. To confirm this suggestion, however, it would be necessary to show that his philosophical understanding of human knowledge in this dialogue does indeed require such a dimension.

But it is possible to demonstrate just this point. It requires taking Socrates at his word, which in this case there is no reason to doubt. Crucial here are the details of the geometric example. It is not the boy's manifestation of new and untaught knowledge which alone demonstrates recollection. To the contrary, Socrates brings the boy to the point where he thinks that he should be able to discover certain pieces of geometric knowledge which at the outset he would not have supposed himself able to find out. This circumstance confirms the role of the teacher in the unravelling of the *aporia*, now in a more mundane context. Plato does not, here or elsewhere, like Descartes or Kant, suggest that one can scour the recesses of one's soul to excavate units of wisdom by remaining in solitary confinement. To the contrary, for Plato, recollection is triggered by a human encounter, whether pedagogic or erotic or both. But if this is the case, then one may ask why a mere invocation of the *a priori* should require such a trigger?[4] The operation of the triggers seems much more to sublimate ordinary empirical recollection of lost facts. For example, only the chance meeting again with a person after many years may allow one to recall their face and voice. By contrast, even if one has forgotten the nine times table, one retains the innate resources to reconstruct it in any circumstances. Hence Plato's constant recourse to "triggers" is of a piece with his invocation of the role of teaching in relation to recall and suggests that the mediation of teaching is essential to recollection.

However, there is a further point to be made. Socrates not only causes the boy to recollect; he also stuns the boy, following his gadfly reputation, bringing him to the point where he thinks he should be able to find something out, but cannot in fact do so. And this is what Socrates offers as his proof: namely, that he has taught the boy a desiring ignorance that is also an obscure sort of inkling as to knowledge: "from this sense of his ignorance, he will find out the truth in searching for it with me."[5] This example

4. Jean-Louis Chrétien, *The Unforgettable and the Unhoped for*, tr. by Jeffrey Bloechl (New York: Fordham University Press, 2002), pp. 1-40.

5. *Meno*, 84c

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does not dispel the mists of the *aporia* of learning so much as reproduce dramatically the circumstances of this *aporia*. Because the *aporia* persists, one must have recourse to a mythical solution. It is in this way that Plato's philosophical position regarding knowledge is also a religious one. The argument for recollection does not proceed as follows: the boy has desire for the unknown, because deep in his soul he already knows this thing (although the later Plotinian reading of recollection somewhat anticipates the *a priori*, whereas Proclus, by contrast, appeals to the 'mythical/ritual" account). Rather, it proceeds as follows: the boy has desire for the unknown, because this desire is an aspect of a memory of something primordial and pre-historical, and so strictly speaking inaccessible and not entirely re-memorable at all. On this reading, desire is not the mask of a concealed awareness; rather, desire is the only thing that allows any initial cognitive awareness whatsoever.

If memory of a pre-existent knowledge is also at one with a desire to recover this knowledge, and this desire is precipitated when one is stunned into ignorance by a teacher trying to incite one's desire, then desire here is akin to an obscure oracular revelation, a harbinger of a mystery into which the slave-boy is initiated by Socrates. Of course, one can object here that, in the end, the boy moves beyond ignorance and arrives at the knowledge he sought, thereby cancelling his desire. However, geometric figures and arithmetical numbers, as one reads in the *Republic*, lie beneath the realm of the absolute abiding truth of the Forms.[6] They are more accessible than the latter, and knowledge of them is repeatedly seen by Plato as merely illustrative of knowledge of the Forms. If one can indeed have full *episteme* of mathematical realities, and so eventually cancel desire — even if one has to pass through an inescapably mysterious moment of inspiration by the muses even in mathematics, wherein one does not yet know that for which one seeks, like Meno's slave-boy — this may not be true of the Forms.

This is suggested in *Meno*. Socrates here, as elsewhere, proclaims his ignorance: he is like the slave-boy as one "stunned" — by the priests and priestesses, by his own reflections, just as he stuns others, in this way resembling the "torpedo fish."[7] However, this condition of ignorance does not reside in a hostile relation to the condition of knowledge of the Forms; to the contrary, Socrates repeatedly indicates that such ignorance is just that other knowledge, which is the knowledge of recollection and of the Forms. In order to show this other knowledge, he first reduces the boy to a

6. *Republic*, V 106e
7. *Meno*, 80 b-d; 84b.

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simulacrum of his own ignorance. The Forms are recalled precisely through the operation of a desiring ignorance: the desire for absolute timeless truth, for *episteme*. But, as in the case of mathematics, can one fully recover this truth and leave desire behind? The answer is no. Socrates presents even his "other" knowledge of the Forms as only an "*orthos doxa*," a true opinion falling short of grasped certainty. Only in one paradoxical respect does he claim to exceed *orthos doxa*, i.e., in knowing the difference between this and that absolute *episteme* which belongs to the pure beholding of the Forms: "for my part, I speak not thus [he has just said that in true episteme one thing follows from another like a chain of magnets] from knowledge; but only from conjecture. But that right opinion and science are two different things, this, as it appears to me, I do not merely imagine or conjecture."[8]

It follows that Socrates' knowledge of the Forms is akin to a kind of religious belief and divine inspiration. This opens the possibility that his overall argument is that outside such belief, sceptical arguments would indeed be valid. On this view, the mythical dimension is essential to Plato's philosophy: it is a necessary way of going on speaking in order to try to illuminate the fact that one thinks one knows and tries to know, even though one cannot really ever envisage what makes knowing and learning possible. To learn and to know are to participate in divine inspiration, and this is mediated externally as much as internally. This is why the "teaching" and the "recollection" solutions to the *aporia* of learning are complementary, rather than mutually redundant.

If this reading is correct, it is perhaps supported by the main argument of *Meno*. What is primarily at issue here is the nature of virtue. The dialogue shows that virtue comes neither by nature nor by nurture: unlike other modes of excellence, there can be no discipline directly concerned with teaching virtue as a practice (as opposed to the philosophical study of "ethics").[9] Yet, if virtue belongs to wisdom, this appears to be contradictory. Socrates rules out the idea that the wisdom involved is any sort of certain *episteme*; rather, it is a matter of approximate *phronesis* deployed in specific situations, and of a securing of justice in a manner for which no exhaustive rules can be found. Virtue then, although it is knowledge of the Good (the highest of the Forms according to the Republic), is a matter of *orthos doxa* rather than certainty. Moreover, it is a rather extreme mode of the former, since it cannot be taught. It seems that one cannot here offer even approximative guidelines

8. *Meno*, 98 b.
9. *Meno*, 95 c.

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(and this sounds more extreme than Aristotle). In consequence, Socrates concludes that virtue "must come by a divine portion or allotment" and there is no real reason to view this conclusion as ironic, given Socrates' association of his own wisdom with divine inspiration.[10]

This interpretation also fits with Socrates' claim that "true opinion" can be every bit as good as firm knowledge. This is because, if an opinion is "true," its truth is no less than the same truth known with final certainty. However, one could only in practice make this equation if something like faith or trust made up the difference between opinion and certainty. Only the sense of a divine presence of some kind can elicit such a trust.

The recollection of the Good to produce virtue is clearly central for Plato. Yet, this is a matter of something triggered by examples of the beautiful, which cannot be taught, at least in any normal fashion. Here, desire for knowledge persists even in the partial holding of knowledge, because this is a matter of the obscure reception of a divine gift. Indeed, were virtue teachable, then it would most likely be definable as something like "good government" which Meno favors, and would concern the pragmatic logic of strength (in the city, in the individual). According to the logic which Meno indicates, virtue might or might not be just: but, for Socrates, virtue is always just, as it is always prudent. But virtue as always is just a matter of harmonious distribution of goods as much as it is a matter of strength and self-control. This renders the display of the Good as beautiful indispensable for one's sense of virtue. It is tied to a judgment of the harmonious for which there are no rules; it is rather a gift of the muses.

Against this reading of *Meno*, it might be argued that Socrates wishes ironically to contrast those currently good in a hit or miss way by "inspiration," with the figure he invokes at the end of the dialogue, who would be "as it were the truth and substance of things, compared with shadows, in respect of virtue."[11] This man, whom one must assume to be somewhat akin to the philosopher-king of *Republic*, would indeed be "capable of making another man a good politician"; in other words, of teaching virtue, presumably by both example and counsel. However, Socrates never denigrates entirely the existence of a sporadic and unsystematic virtue, and he indicates that even philosophy cannot entirely escape the realm of mere *doxa*. So how can this be resolved?

The clue may well lie in the invocation of the learned priests and priestesses who reflect on their religious performances. Just as they do not

10. *Meno*, 99 c-d; 99 e.
11. *Meno*, 100a.

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thereby render those performances superfluous, so also the philosopher does not stand any less in need of divine gift as regards virtue: he has a more reflexive and conscious awareness of the source of virtue as the heaven of the Forms, and intimates somewhat more of the "magnetic" link between the Form of the Good and examples of virtue. Since these examples, as in *Meno*, are highly various, and this is part of the reason why virtue cannot be taught, the philosopher's stronger sense of this link perhaps provides the clue as to why he, after all, can teach virtue. It is because he is in this respect, as in all others, a generalist.

One can go a little further than this by invoking the discussions which take place in *Ion*. The issues here can be seen in parallel with those of *Meno*, because, once more, it is a question of inspiration versus science. Socrates suggests that the rhapsode Ion owes his wisdom to divine inspiration, rather than to any sort of *episteme*. It can be suggested that this is not to be taken ironically (or at least entirely ironically), if one bears in mind the implications of Socrates' view of rhapsody for his view of philosophy. Ion does not possess *episteme* for two opposite reasons. First, his knowledge is far too particular.[12] He only knows about Homer, and in this respect is like the poets on whom he is parasitic. Poets are confined to lyric, epic, or tragic genres, according to the different inspirations they receive from different muses. Rhapsodes cling to the skirts of inspired poets in the manner of components of a chain of magnets — there is an echo here of the chain of epistemic reasonings in *Meno*, according to which "deduction" may be closely linked with "inspiration" in Plato's mind — or wild, dancing, intoxicated corybants. Thus, Ion is able by inspiration to speak of Homer, even though, were he really speaking in a learned scientific manner, he could only speak of Homer by comparing him with other poets, and the same skills he applies to Homer should be applicable elsewhere.

Yet, inversely, his knowledge is far too universal. Homer's *Iliad* can be broken down into descriptions of fighting, navigation, charioteering and so forth: experts in all these areas, says Socrates, should be able to speak of these passages with far more sophistication than Ion.[13] The latter protests that he is an expert on "Homer" and not on chariots; Socrates responds that Homer can only be the sum of his parts. If, nevertheless, Ion has a mysterious capacity to speak regarding the "whole" of Homer, then once again this must be a strange divine gift.

12. *Ion*, tr. by W. R. M. Lamb (Cambridge, MA: Harvard University Press, 1995), 533d-e.
13. *Ion*, 536d-542b

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Here, one is reminded of the question of the nature of ruling or politics in *Republic* I and II. To be more than a power-play, it seems to need a content, yet has none.[14] In that dialogue, Plato eventually provides a content, in terms of the contemplation of the Forms and application of this vision via the exercise of *phronesis* to the life of the city. This reveals that the question of a strange knowledge of the whole in excess of that whole's parts is a question that applies most of all to philosophy which claims to know about everything, even though, once again, such knowledge would appear to be both amateur and redundant, given a division of academic labour among experts. It is no wonder that Plato invokes the issue of the likely expulsion of the philosopher from the *polis* where he can only ever appear (if he is true to himself) as an imposter, a sophist, a show-off, and a seducer. These apparent crimes conceal his standing in a heavenly presence, which cannot of course appear to view, but which provides him after all with a role and a specific way of talking about the general. Finally, this comes down to the following: it may be that there are only goods, only beings, only truths and only beauties. But the philosopher is one who envisages the Good and relentlessly shows that without this the specific goods are so diverse as not to merit the name at all, in such a way that virtue nihilistically evaporates, along with truth, being, beauty, and unity.

In a certain sense, then, the figure of the rhapsode is a foil for the figure of the philosopher and provides an allegory for all human understanding. The latter as expert of a particularity does not have the benefit of comparison or generally applicable method, therefore his expertise can only be possible as an inexplicable kind of knack; a form of "tacit understanding," as one might now say. But the more it becomes universal, the more it appears to become vacuous, unless it possesses an even stronger degree of divine inspiration; a sense of the analogical derivation of diverse particulars from a common eternal source.

This is perhaps why Plato saw even philosophy, or rather, especially philosophy, to be a "musical" art and a "musical" discourse. One can now read *Meno* as saying that those virtuous without philosophy are still virtuous in a somewhat merely particular way, and are therefore inspired by the Muses; while those truly virtuous in a universal way are philosophers or philosopher-kings, and therefore also inspired by the Muses. Plato can in consequence be read as deconstructing the claims of both particular and general knowledge to be purely human and immanent. Only if it displays

14. Adi Ophir, *Plato's Invisible Cities: Discourse and Power in the* Republic (London: Routledge, 1991).

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always the divinely inspired arts of the Muses can it possess any truth and banish the shadow of scepticism. In ancient Athens, it seems, there were no humanists, only materialists in contrast to religious "postmodernists." Amongst the latter, for Plato, the highest knowledge remained a matter of desiring, because it remained a matter of divine inspiration.

II

So far, it has been shown that for Plato desire is always involved in human knowing, and that a desire for knowledge is provoked initially by desire for beauty. Several dialogues reveal that this is characteristically the physical beauty of a human other. It is clear that human erotic desire, and, of course, most often the *eros* of male for male, is crucial for Plato's account of human understanding. But does this mean that he is not interested in the biologically and often culturally unavoidable link between desire and giving birth present in human heterosexuality?

The answer to this question may lie in *Symposium*. If Plato clarifies the nature of knowledge by showing its link to desire, he seeks to clarify the nature of desire by showing its link to birth, or to the phenomenon of "emergence." But this second clarification redounds dramatically upon the first. It might seem that the ideal goal of recollection is to leave behind the "triggers" as so many temporarily necessary instruments, and gradually to abandon desire in the intensified serenity of contemplation. Even if the exigency of the triggers suggests that the theory of recollection requires a certain positive validation of time, the latter is still to be left behind, and the trope of this dismissal is the idea of a pre-historic eternal past for which one forsakes both the present and the future. This is how Kierkegaard read the Socratic theory, contrasting retrospective recollection with forward repetition, where the latter, in looking to the future eschaton, establishes an ideal consistency not through melancholic recovery of the lost, but rather through sustained commitments through time forming a kind of liturgical patterning.[15]

However, as Jean-Louis Chrétien and others have argued, something akin to Kierkegaardian repetition is already envisaged by Plato. This is particularly shown in *Symposium*. If it were the case that desire were only a kind of melancholic lack, then desire would be asymptotically banished the more recollection was engaged. The model for this manner of relating desire to knowledge is a certain concept of inter-human love. For this

15. Søren Kierkegaard, *Philosophical Fragments*, tr. by H. V. Hong and E. Hong (Princeton, NJ: Princeton University Press, 1985).

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concept, one desires the other and then this desire is satisfied by her presence, and the fullness of this presence. Desire in this way consummated is satisfied and vanishes. But is desire only desire to know or desire to "meet" (in every sense)? Is desire only desire for knowledge or desire for social and physical intercourse with the other? Is it only, as in either of these cases, desire for a withheld, but nonetheless given distance? In that case, what about desire to do something or make something or bring something about? Sometimes, one is not certain quite what one is desirous to bring to fruition; in fact (echoing the *Meno* problematic in another mode), this is perhaps always the case, because if one knew entirely the lineaments of the thing one desired to bring about, it would already be actualized and the desire would be superfluous.

This question can get even more complicated. Is desire to bring something about not also involved in the desire to know and the desire to meet the other? Do our souls merely look at knowledge, or do they also repeat it in bringing it forth? And is the meeting of the other only a mutual gaze or does something "happen" between the two? Is the meeting also an upshot? If the answer in both cases is yes, then desire is not in time asymptotically left behind; instead, if the more one knows the Forms of truth, the more one gives rise to the emergence of truth in the temporal future, then as long as one is alive in time, the vision of truth replenishes one's desire. Likewise, the encounter with the other is needed not merely as the occasion for a recalling, but more radically as the seed of a new vision of the eternal, which can only be nourished in just this soil.

This perspective would mean that the eternal is invoked not merely as a past that one can never fully recover, but as always radically present in a way that one is not entirely aware of (though forgotten, it is also radically "unforgettable," as Chrétien puts it), but also as a future which one can never fully anticipate (a hope for the "unhoped for," as Chrétien says).

But in *Symposium*, Plato offers just such a perspective, which is complementary to his teaching on recollection. Desire does not just recall the absolute past; it also gives rise to, causes to emerge, the unreachable future. In this dialogue, Plato names *eros* the daimonic *metaxu*, the "between" (which he only otherwise alludes to in *Philebus*), thereby revealing another dimension of his religious vision.[16]

Symposium shows that because one must reach forward as well as backward, one does not tend to cancel *eros* in favor of the primordial, but

16. *Symposium*, tr. by W. R. M. Lamb (Cambridge, MA.: Harvard University Press, 1991) 202 a-e.

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rather, at least in time, remain within the *metaxu*, in the midst of desire to which one must return if one wishes to know and to encounter the truth.

How does Plato indicate this doctrine? First of all, through Socrates, he refuses the idea that love is a goddess, and insists instead that it is a *daimon*. Perhaps one should take this religious assertion quite literally; perhaps it is an intrinsic aspect of Plato's philosophical treatment of love. This is in part confirmed by the association he sets up between a pre-philosophical, merely eulogistic treatment of love, and the view that love is a goddess. If love is a goddess, then she is ineffable and given, and must be contemplated and praised.

Five different eulogies are given: by Phaedrus, Pausanius, Eryximachus, Aristophanes and Agathon. In the first, love is seen as the unbegotten oldest goddess who motivates lovers to form the ideal city of devoted affines. In the second, love is seen as both the lustful earthly Aphrodite and the refined heavenly Aphrodite; the latter should be followed and this permits, as in Athens, persuasion of the beloved, in contrast to Western civic forcing of the beloved and Oriental tyrannic denial of free wooing. In the third, medical account by the physician Eryximachus, love is seen somewhat pre-socratically as a binding physical force. In the fourth, love is seen as a consequence of the primordial splitting of either male or else female or yet again hermaphroditic individuals, to produce respectively true males and females who are homo-erotic, and heterosexuals whose attachment to their own sex is ambivalent. In the fifth (the exact opposite of the first view), love is seen as the youngest divinity, who gives rise to peace and harmony after an earlier reign of blind necessity, which produced an agonistic cosmos.

Just as in the case of the rhapsode and the non-philosophic men of virtue, Socrates does not explicitly deny the truth of these eulogies. Indeed, it is arguable that he offers a synthesis of their respective emphases. For Socrates, following the same order: (1) love is unbegotten, since it is the daimonic *metaxu*, and love exists in multiple affinities;[17] (2) one should follow a higher *eros* (though he is a daimon and not a goddess) and the civilized Athenian codes of courtship; (3) eros is also a cosmic binding force; (4) homo-eroticism is higher than hetero-eroticism; (5) love is not really eldest, since it mediates the divinities and in this sense is "younger" than them.

Socrates' account of love is not a eulogy, but an exercise in dialectics. However, unlike the eulogists, who seem to lay claim to direct musical inspiration, Socrates provides mediated cultic credentials for his claims.

17. On the question of the *metaxu*, see William Desmond, *Being and the Between* (Albany, NY: SUNY, 1995)

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Once more, he invokes a meeting with a teacher: this time, the prophetess Diotima, whom he says taught him the art of dialectics, although she is also presented without qualm as a magician who held the plague away from Athens for ten years by propitiatory sacrifice. (Perhaps one must hermeneutically assume that "doing dialectics" and "performing magic" were for Plato in some kind of natural alignment, unless there is evidence to the contrary). At the same time as teaching Socrates dialectics, Diotima also taught him that love is a *daimon* and that it is productive. One must assume, then, that there is an intimate connection between three things: Diotima's unusual (for Plato) femaleness; dialectics; and the "female" view of desire as substantive, rather than as a lack: a kind of pregnancy, which brings to birth. This may well imply that knowledge is something produced through desire as well as something longed-for and recollected through ardor.

Instead of eulogy, Socrates offers a dialectic of love which remains nonetheless to some extent a eulogy and a "mythos" of love, for Socrates offers his own personification of *eros* and narrative account of its origin. There is, however, an important match between the dialectical argumentative form of Socrates' discourse and the substance of what his discourse is about, namely love. First of all, the idea that love is a *daimon* that mediates between the higher and the lower corresponds with the idea of a dialectical and contemplative ascent. Marcel Detienne has shown how the Pythagorean/Platonic tradition inherited an ancient form of religiosity that concerned the "voyaging" of the soul to transworldly regions, rather than the official Greek civic cults.[18] Secondly, whereas the eulogists present love in "spatial" terms as a given state of affairs, Socrates stresses that desire is a movement and a striving, and points out that for this reason it is involved in all human practical and theoretical activities and not just in the field of "romance," as one might now designate it. Thus, if *Meno* deals with knowledge and virtue in terms of desire, *Symposium* refers desire to knowledge and to virtue.

In Socrates' myth of *eros*, love was born at the same time as the goddess Aphrodite, and this ensures the occult bond between love and beauty. However, love is not a goddess, but a *daimon* who hovers "between" beauty and ugliness, good and bad, gods and mortals. As belonging to the realm of the *metaxu*, love also belongs properly to *orthos doxa* and not to heavenly *episteme*. It is to do with the lure toward the Forms. However, it is also linked with bringing to birth a life that expresses the truth of the

18. Marcel Detienne, *La Notion de* Daïmôn *dans le Pythagorisme Ancien* (Paris: Liège, 1963).

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Forms. It is important that love is not primordial and ungenerated, as for Phaedrus in the first eulogy. Love is brought to birth, love emerges and is therefore not just a "given," not something drawn toward another given. Rather, it is an emerging event. As something born, it does nevertheless emerge from lack and need, and indeed Socrates, points up this deficient, possibly tragic and "ugly" dimension of love in opposition to his interlocutors. He indicates a certain alliance of love with time and becoming. However, for Socrates this alliance has also another positive and creative dimension. If love is the child of its mother, "lack" (here the associations are with the womb and also with the fertile ignorance taught by Diotima, into which Socrates has been "initiated") is also the child of its father "resource." In accordance with aspects of Greek biology, the positive aspects of giving birth are associated by Plato with the male part, just as later in the dialogue he speaks of the consummation of male heterosexual love as a giving birth and realization of a "pregnancy." The same thing applies analogically to male homo-erotic love (the Greeks arguably did not have the concept of this as "sexual," even though it could be physical), where in a higher spiritual sense something is conceived and delivered. As also the child of resource, desire is not simply lacking the other, but rather is lacking what it can bring into being through its own powers (one could compare the emphases of Deleuze and Guattari at this juncture).

Eros is therefore dynamic. It responds to the other, but also generates itself. It constantly "dies and rises." It is not simply provoked by the presence of the beautiful, as if this were something love merely pursued; rather, to love is to "bring forth upon the beautiful, both in body and in the soul."[19] So although love is instigated by the beautiful, it also further emerges in conjunction with the beautiful, repeating in time the birth of the *daimon eros*. To love the beautiful is always already to copulate with the beautiful and to engender a child. Diotima famously speaks of an erotic ascent: one must begin with desire of a beautiful body; ascend to love of all physical beauty; then to the spiritual beauty of souls and institutions, and finally to the eternal beauty of truth.[20] This can sound as if finite beauties are mere occasions and instruments to be left behind. However, this would be to read the *Symposium* only in terms of the "backward recollection" of *Meno*. To the contrary, in this dialogue, worldly beauty does not just remind of the spiritual; it causes one to become conjoined with it and engenders both new physical realities in time and new psychic realities, which also emerge into

19. *Symposium*, 206 e.
20. *Symposium*, 210 a-e.

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being through the course of time, since for Plato one's soul (unlike for Plotinus later) lies for now within time. One can suggest that the "occasions" for bringing to birth remain necessary (since one does not arrive at a full *episteme* of the Forms) and must constantly be returned to. This reading would align *Symposium* with *Phaedrus*, where it is said that erotic alliances on earth remain even in heaven. Since, one can infer, eros even as a heavenly reality is generated on a transcendent occasion, all earthly occasions and births are finally gathered up into this transcendental event.

In *Symposium*, Plato does not see the satisfaction of desire as merely the possession of the object of desire. Rather, he sees it also as the "end" of a "travail," the delivery of an expression of self that was always bursting to come forth, but could only do so by way of the other "on the body of the beautiful."[21] This event is an expression of knowledge and of wisdom. Because it can only emerge by way of the other, it is also the emergence of a third thing that could only arise by way of a relational conjunction. This moves beyond the finality of the circuit of reciprocity. What any two desire in desiring a union is not merely this union, but always also the fruit of this union in whatever sense, something that is both them and neither of them: a baby, a work of practice or understanding, a new ethos that others may also inhabit. In this way, for Plato, desire welds together inseparably both erotic gift-exchange, and the "agapeic" offering of a new gift to "anyone" that does not return to the givers in any ordinary fashion.

III

For Plato, desire is not merely a matter of being drawn by the attractive, the beautiful, and of a lack which must be fulfilled. It is equally a matter of travail, of expectant and obscure pregnancy, of frustration in something one is trying to say, make, or do. If desire is about "sex," it is equally about birth." But both aspects are always present: "to have sex" is "to bring to birth." To "bring to birth" is to enter into a new erotic union with the world in some fashion.

Although the dimension of lack has been often explored, the same cannot be said about the phenomenon of emergence. Likewise, applying desire to knowledge, one knows more about "backward recollection" than "forward repetition." How could emergence be understood? The first thing to see here is that emergence is more fundamental than causality. In physical and cultural reality, there are genuinely new occurrences, which cannot be deciphered merely in the terms of that from which they proceed.

21. *Symposium*, 206 c.

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Indeed, one might say that unless causality is only a banal and mysterious repetition, it involves emergence, because when something is a cause, it has mutated and emanated beyond itself. If something is acting as a cause, it has developed in some way. This is only predictable if one includes the development or the tendency to develop in the definition of the causing agent. One has to factor in the incalculable. As soon as one recognizes that there are such radical new events in reality, and that the ordinary is also newness, then one has to allow that emergence is a more fundamental phenomenon than causality.

It might seem, therefore, as if the notion of emergence marks a post-modern consciousness, and the end of an ultimately theological view, which explains the world in terms of preceding causes and intentions. One can interpret the Enlightenment perspective as a secularized version of this outlook in which both teleology and eschatology seem to be linked with the notion of an all-governing intention or plan. This remains the case even where the intention or plan is immanentized and depersonalized.

One can in any case venture that the notion of emergence can be seen as post-modern insofar as it destabilizes reality and opens up *aporias*. This can be seen in relation to space, time, and the processes of subjectivity. First of all, in terms of space. The very word "emergence" is instructive here. It was first used in relation to the distillation of something from a liquid. It is linked therefore to chemistry, which, since the days of alchemy, has been the mysterious sphere of physical properties not reducible to physical operations, at least in the sense of mechanical operations. It often seems to be concerned with merely describable phenomenal properties — color, viscosity, smell, corrosive effects, etc. It is in fact the sphere of emergent properties. The latter are curiously elemental, and yet also already secondary. The word also suggests things coming out of the sea, yet it does not denote the coming-to-the-surface of concealed sea-creatures. Rather, it suggests things that are only defined when they do come to the surface.

This is an arrival in a radical sense. It does not betoken the invocation of another reality apart from the sphere of emergence, as would be the case when one adds one brick to another, and a wall starts to take shape. Rather, something new arises in an unexpected way merely from given resources. Nothing is really added, because this would suggest something coming from outside; yet, neither is this predictable from within, because the new thing needs the space into which it emerges, the externalizing action, in order to define itself.

One would in consequence be tempted to speak of a mutation, but

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even this is not quite right, because it would suggest something unfolding from within, perhaps like a butterfly from a chrysalis. Yet, this cannot apply, because the emergent thing is definitely a new reality in its own right, with no traceable continuity of a developmental or mechanical sort with what went before.

Here is the problem of something new in space that is not from pregiven space, from super-added space. There seems to be no space anywhere for the emergent event, perhaps because it is what provides space in the first place. The problem is compounded by the fact that an emergent thing must be in some way connected with what went before, otherwise it would not be recognizable at all. Something wholly discontinuous could not be described or deciphered in any available categories whatsoever. So, one would simply not know about it. This raises the problem of the link between objective emergence and subjective recognition of emerging things. Nevertheless, the sense of continuity involved here will of necessity be very incomplete, and one will go on having to debate its nature (because it cannot be reduced).

This kind of connection between an antecedent and a consequent more or less defines the relation of passage from past to present, and so one cannot think through the problems of spatial emergence without invoking, in the second place, temporal emergence. Here, one can only see a present event if one connects it in some way with what has gone before, and yet the present event was neither hidden in the past nor added to the past, as it were, from another past; rather, the present emerges from the past and the future. But just as one saw that there is no space for emergence, so equally there is no time for emergence. The present moment, as soon as it occurs, takes on the aspect of something that was already there, and somehow one had failed to notice — and this accounts for one's odd sense of inevitability of things, and maybe for a sense of the uncanny or *déjà-vu*. For just the same reason, the present moment has already transgressed on the sphere of the future, as if it were added to the past from the future. One can see this as the aporetic impossibility of presence.

But, more radically, one can also see this as the unthinkable primacy of presence, which is what gives rise to time in the first place. One may not be able to think presence and emergence, and yet one can live them and inhabit them, and thereby one somehow proves their reality beyond the inverted rationalisms of deconstruction.

This is relevant, in the third place, to the question of subjectivity. First, the subjective "I" is also something only emergent. Its specificity

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and ability to reflect is an intense example of something that arises from the past, yet in an unpredictable fashion. Second, the subject is tangled up in the problems of space and time as just delineated. It emerges within space and time problematically, and its peculiarity is that it can reflect upon its emergence. The subject cannot perfectly carry out this reflection, because emergence is an inexplicable phenomenon. Therefore, the constitution of the subject is always more primary than its reflective re-constitution, even though the latter is always going on from the subject's birth, like a kind of emergence from emergence (perhaps rather like a return to the sea).

This inability to catch up with itself does not just apply to the past, which tends to be the compass of psycho-analysis. It also applies to present and future intentions. One often finds oneself saying "it has occurred to me that . . ."; this phrase exposes the way in which one is not in command of one's own ideas; they come to one almost as if from without, and Plato for this reason thought of knowledge and of all "arts" as derived from divine inspiration. One can exercise a kind of secondary censorship or editorial role, but that is all.

It is extraordinary that most thought hitherto, forgetting Plato, does not seem to take much account of this state of affairs. What seems to be the case is that responsible thinking involves a kind of state of mystical responsive receptiveness, rather than technical control. Martin Seel is right to suggest that all of human activity is in the situation of creative art where one does not quite know what it is that one is bringing about. In all of one's activity, ethical and political, as well as artistic, one seems almost to be spectator of emergent processes.

Yet just because emergence is not something pre-given, this is not quite true: in subtle ways that one cannot scrutinize, one elicits emergence, and we are able to refuse or accept an emergent thing in the name of a norm that seems to be itself only emergent. The fact that to recognize a new emergent object one must develop a new emergent capacity to recognize what emerges, suggests that there is a kinship between the deepest dimension of reality that is radical innovation and thought itself. As Plato indicated, knowledge is bound up with an obscure desire, both for what has always been there, and for an emerging which anticipates an eternal future.

Without this Platonic "postmodernism," then, it would seem that the priority of emergence opens up a chaotic or nihilistic prospect. It might seem to do so, if nothing is commanded in advance, and nothing occurs according to a graspable teleology. One might read the situation in terms of the rule of a random flux that throws up everything beyond the reach of

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choice or reason. However, this is not really what happens, according to the phenomenology of emergence in human culture. Rather, it seems to disclose an order beyond disorder, which one cannot fully grasp.

To be emergent, the radically new thing not only reveals its own new logic, but re-orders the past in terms of this new logic, so that one can make some — but never perfect — sense of the reality of the thing's emergence. This is perhaps most intensely true in the sphere of the creative arts, where one is confronted with radically new things which nonetheless make sense, and to some extent cohere with what was already known. This does not mean that one is awakened to a logic one should already have known about, because the new way of looking at things is inseparable from the new beautiful object that is apprehended.

Is one to say, then, that this new meaning is simply a willed meaning, or else a kind of impersonal arbitrariness of which one is the passive recipient? The latter option would, in effect, negate the experience of art, or indeed the experience of a new social awareness. What one is confronted with here is the sense that something objective, as Alain Badiou acknowledges, has arrived, not from the past, in which it was hidden, or from a concealed immanent eternity which was always available. These historical events must emerge if one is to see just this or that. As Badiou says, this is exactly like an event of grace.[22]

Can this be a secular grace? It is hard to see how, because the secular alternatives of the permanently given, on the one hand, or the arbitrary, on the other, seem to be exhaustive. If the new compels and redefines what went before, then, irreducibly, one has the sense of an arrival which cannot be from space, the past, or the future. To have this experience, and not to disbelieve it in a moment of rationalist deconstruction, is already to have entered in some fashion the field of theology. The arrival can only be the reflection in time of the eternal. In this way, only the eternal saves the new.

Traditional theology did not fully recognize the paradigm of thought as occurrence, yet, at the same time, pre-modern theology did not have a modern reductive notion of causality. For example, Neoplatonic emanation sees causation as development of that which is causal; what is more, the pre-Newtonian God was not seen as a God with a plan plus a series of whimsical interventions. Instead, for Aquinas, for example, God's thinking is only contained in the emergence of the *Logos* or the Son from the Father, which is like a kind of infinite comprehension within God of his external creative

22. Alain Badiou, *Ethics: An Essay on the Understanding of Evil*, tr. by Peter Hallward (London: Verso, 2001).

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action. This does not proceed according to a plan, but is itself the plan. God is only self-constrained by the beauty of what He tries to produce externally and internally. There is therefore a case for saying that, for Aquinas, and much pre-modern theology, God is not before the emergent but is Himself the eternally emergent act (but not in an Hegelian pre-determined sense, since he does not depend on his emergence); rather, he is the eternally emergent action which rescues finite emerging from arbitrariness or predictability, and therefore saves the phenomenology of the emergent.[23]

IV

If for Aquinas emergence resides in God, it is because God is triune. In Plato, one remains in the "between" of desire, because one remains in *orthos doxa* and never attains to *episteme*. One remains in the realm of the daimonic sphere between gods and mortals. One's orientation to the eternal is both to a primordial past by recollection, and to a never-arriving future (since arrivals are in time) through emergence. The "between" of *eros* is for Plato also of heavenly birth or emergence; nevertheless, it is born to reside in a realm between the heavenly and the earthly.

In the Trinitarian conception, however, the daimonic is entirely the divine and not in any sense an ontological *lapsus*. God is lover, *eros* and *agape*; the mutuality of Father and Son and the emergent unilateral gift of the Spirit. But the latter expresses the mutuality of Father and Son, and the mutuality only arises as the further emergence of the Spirit. Moreover, the mutuality is the birth of the Son from the Father in anticipation of and communion with the Spirit which will arise from the bond of Father with Son. Desire as aspiration and desire as emergence are complexly interwoven. The "between" of daimonic *eros*, in seeking the unforgettable past and the unhoped-for future, seeks itself alone, the eternal *metaxu*. It is also the case that Plato's later dialogues, particularly *Sophist*, envisage an eternal interplay or eternal betweenness that is a bond of harmonious love.

In the generation of the Son from the Father and the spiration of the Spirit, aspiration and emergence, need and resource, entirely coincide. For human beings, they do not, but rather ceaselessly oscillate in successive phases. This oscillation participates in the eternal daimonic coincidence of the two.

However, human fallenness amounts to the obscuring of this participation, a descent into the sceptical abyss of merely futile emerging. The

23. See Fergus Kerr, *After Aquinas: Versions of Thomism* (Oxford: Blackwell, 2002), 181-207.

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alluring beauty on which to bring about has been hidden. How else could it be shown again except through renewed divine daimonic descents; indeed, most dramatically and appropriately through the historical image of the descent of God in the Incarnation. Here, one sees in time the eternal birth of Aphrodite as the beauty that incites desire, just as the Greeks presented the goddess as born from the waves of a human sea.

But how is one shown the coming about of this supreme event? Is it simply that God first appeared in His beauty as human and elicited desire, which was first of all exhibited as lack? No, it was rather shown that God became Incarnate through the desire of a woman to give rise to the god-like in humanity, through a desire for emergence. In the case of Mary, uniquely, the divine coincidence of desire as bond and as emergence is shown in humanity. Mary desired the bridegroom, the *Logos*, and from this desire the *Logos* emerged from the enclosure of her womb. So she desired the Father of her baby as the baby and the baby as its Father, since this Father was indeed eternally a Son. Mary's human sexual desire was not cancelled, but rather optimally exhibited in the Virgin Birth, from which her divine lover emerged.

Yet, this unique demonstration of divine power in time also echoes the male pregnancy (one thinks again of *Symposium*) of Adam, which gave rise to his lover Eve. As Hildegard of Bingen put it:

> O how great
> in its powers
> is the side of man
> from which God produced the form of woman
> which He made the mirror of all His beauty
> and the embrace of all His creation.[24]

Mary's action in the Incarnation is a recreation of the human race which undoes the lapse of Eve ("Sprouting, you flowered/in a change different/than Adam would have been producing/the whole human race),[25] and establishes here the female (one can logically say) as the new Adam as well as the new Eve, since she has performed again the Adamic act of single-sex birth: the emerging of a baby that is also an adult mutual

24. Hildegard of Bingen, "*O virga ac diadema*" 4a ll 24-29. See Stephen D'Evelyn's brilliant doctoral dissertation, "A Commentary with Translations and Emended Text of Hildegard of Bingen's '*Symphonia armonie celestium revelationum*', carm. 1-50" (Cambridge University, May 2003). Dr D'Evelyn allowed me to see his (as yet unpublished) commentary on "O virga ac diadema" (2003).

25. *Ibid.*, 1b ll. 4-7

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communion. But Adam emerged from a single parentage in so far as he was created by God. Because she begins the new creation as a new Adam, Mary is the beginning of a new creation, and was so seen by many thinkers in the Middle Ages. Though she had two human parents, she is, according to Hildergard, in a special sense a direct new creation of God:

> O flower, you did not spring from dew,
> nor from the drops of rain,
> nor did the air fly over you
> but divine brightness
> brought you forth on the noblest branch.[26]

Mary, restoring Adam, shows the desire of God (in creating) for the Creation through her emergence. But since humanity is in the image of God as love, both mutual and giving, she had also to repeat the act of Adam in giving birth to his lover Eve, by giving birth to her lover Christ.

According to a long mystical tradition beginning with Origen, humans are not united with God only by the rising up of their souls to the heavenly realm, but also by giving birth to the *Logos* in their soul, in a repetition of the action of Mary.[27] As for Plato, desire for the divine is an emergence of the new as well as a longing for the distant. Again, as for Plato, knowledge, the *Logos*, is possible through this emergence as well as through this longing. As desiring and knowing, one remains in the daimonic between. But since Origen, one is also said, in giving birth to the daimonic, also to give birth again to the divine, and to repeat in oneself an eternal birth that remains in the eternal even as it descends into time. For now, the eternal is also the between, and now the between which emerges is also the eternal.

> Now is born full-grown this Child
> Who was chosen by humility,
> And is full-grown in sublime Love
> And carried to term nine months.
> And each month has four weeks
> And each calls for preparation and adornment
> Before the great high day,
> So that Love can be born perfect.[28]

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26. *Ibid.*, 2b ll. 12-16
27. See Columba Hart, 'Introduction' to Hadewijch of Anvers, *Hadewijch, The Complete Works*, tr. by Columba Hart (London: SPCK, 1980), 1-XVIII.
28. Hadewijch of Anvers, "Allegory of Love's Growth," p. 350.

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The Trials and Tribulations of Populism in Australia

Andrew Fraser

"All right we are two nations."[1] With those words John Dos Passos summarized the reaction of "progressives" everywhere when two Italian immigrant anarchists, having been convicted of robbery and murder in Massachusetts six years earlier, were finally put to death on August 23, 1927. Although Dos Passos portrayed the long campaign to save Sacco and Vanzetti as a battle between two nations within the bosom of a single society, he actually misread the true character of the struggle. In hindsight, it is now clear that the Sacco and Vanzetti case was but one skirmish in a continuing war concerning the identity of Western nations, already for generations under sustained attack from cosmopolitan forces. The Sacco and Vanzetti case may be far distant in space and time from the prosecution of Pauline Hanson and David Ettridge, co-founders of the One Nation Party in Australia. Yet, the two cases are part of the same world-historical conflict.

The execution of Sacco and Vanzetti divided political opponents into two warring camps: conservatives convinced that the two anarchists were common criminals, versus radicals who hailed them as class warriors. Dos Passos later switched sides, but Sacco and Vanzetti still occupy a place of honor in the pantheon of leftist martyrs, despite recent ballistics evidence confirming their guilt.[2] In the middle of the Jazz Age, many American intellectuals were indifferent to politics, so that radical denunciations of the execution had little immediate impact. But the hardening of attitudes on

1. John Dos Passos, *USA (The Big Money)* (NY: Modern Library, 1937), p. 461.
2. See Francis Russell, *Sacco and Vanzetti: The Case Resolved* (New York: Harper & Row, 1986).

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both sides cast a long shadow over the politics of the Depression. In fact, no "single act did more to turn liberal intellectuals to radicalism."[3]

Nowadays, the language of class warfare has become *passé* within the Left. In their rise to power, the vanguard of today's bureaucratic and technocratic élites allied themselves with a working class exploited by a rival capitalist class. But, as the old industrial proletariat graduated to middle income status and acquired a stake in the *status quo*, new underclasses were recruited as allies in the revolutionary struggle against the "hegemonic" Western way of life. Having made their "long march through the institutions,"[4] progressives set the cultural tone among the managerial élites in charge of the welfare state. Today's postmodern, multicultural Left plans and executes its revolutionary strategy from the top down and, as a consequence, views the old working class as a bastion of racist reaction. Radical campaigns for "social justice" now focus on officially designated victims and protected minorities: women, homosexuals, "indigenous" peoples, and the masses of Third World immigrants pouring into almost every Western country. Postmodern class warfare now typically pits any and all defenders of the West against the rest.[5]

A new front in that war has been opened in Australia. Recently, the repressive forces of law and order briefly redeemed themselves in progressive circles by jailing the former leaders of a short-lived Australian nationalist movement reviled by the radical Left as a resurgent form of fascism. Before their conviction, Hanson and Ettridge scored a series of spectacular electoral successes in competition with the deeply entrenched political duopoly that controls every federal and state government. The major parties share a managerial vision of politics, being separated mainly by their sectorial allegiances: the Australian Labor Party has its center of gravity in the public sector, while the Liberal/National Coalition is more responsive to corporate interests. Preoccupied with the perennial partisan competition for power and honeycombed with special interests, Australia's managerial regime has clouded the traditional division between Left and

3. See William E. Leuchtenberg, *The Perils of Prosperity, 1914-32* (Chicago: University of Chicago Press, 1958) p. 83. One former moderate recalled that the martyrdom of Sacco and Vanzetti "forced me to accept a doctrine which I had always repudiated as partisan tactics — the class war." See Robert Morss Lovett, quoted in Arthur M. Schlesinger, Jr., *The Crisis of the Old Order, 1919-1933* (Boston: Houghton Mifflin, 1957), p. 141.

4. Rudi Dutschke, quoted in Todd Gitlin, *The Sixties: Years of Hope, Days of Rage* (New York: Bantam, 1989), p. 422.

5. See Matthew Connelly and Paul Kennedy, "Must It Be the Rest Against the West?" in *Atlantic Monthly* (December 1994).

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Right. Resentful of the globalist agenda pursued by the state and the corporate sector, lower middle class voters, particularly on the fringe of the major urban areas, were ripe for the Hanson-inspired populist revolt.[6]

The first stirrings of that electoral uprising produced a moral panic, not just in progressive circles, but within the political class generally. It was not the supposedly Left-leaning Labor party that first issued an anathema against Hanson, but her own allegedly right-wing Liberal Party, which disendorsed her as a parliamentary candidate. Her offence was to criticize the racial spoils system created for the exclusive benefit of aboriginal Australians. Punishment came swiftly at the behest of Liberal leader John Howard. Paradoxically, the resulting blaze of publicity propelled Hanson into national prominence.[7]

As both the Left and the Right rushed to condemn Hanson, "politics as usual" revealed itself as an administrative technique. Before Hanson burst into the public arena, the very possibility of democratic debate on issues of race, immigration and globalization had been foreclosed. From the early 1970s, a carefully constructed, bipartisan fog had descended over public discussion of such matters, relegating them to technocratic policy-making.[8] Believing that political choices are best made by certified experts in accordance with a technical rationality that allows only a narrow range of possible solutions, politicians of all parties refused to tolerate an "inarticulate," "uneducated" and "plainly incompetent" woman presumptuous enough to speak for the common folk. Some went further and resolved to silence her, one way or another.

Yet, even before she took her seat in parliament, many ordinary Australians already likened her to Joan of Arc. Privately, many shared her view that Asian immigration was out of control and that it is wrong to extend special privileges to aboriginal Australians on the basis of race. Publicly, many had been cowed into silence by the treatment meted out to Geoffrey Blainey in the 1980s, when he dared to challenge progressive orthodoxy.[9] Clearly, in

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6. Rex Davis and Robert Stimson, "Disillusionment and Disenchantment at the Fringe: Explaining the Geography of the One Nation Party vote at the Queensland Election," in *People and Place* (1998), Vol. 6, No. 3, pp. 69-82.

7. John Pasquarelli, *The Pauline Hanson Story* (Sydney: New Holland, 1998), pp. 28-34.

8. Katharine Betts, *The Great Divide: Immigration Politics in Australia* (Sydney: Duffy & Snellgrove, 1999), pp. 193-223.

9. Geoffrey Blainey, *All for Australia* (Sydney: Methuen Haynes, 1984). See also Andrew Markus and M. C. Ricklefs, eds., *Surrender Australia? Essays in the Study and Uses of History: Geoffrey Blainey and Asian Immigration* (Sodney: Allen and Unwin, 1985).

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today's Australia, attitudes toward race and immigration serve as important markers of social status. In the 1980s, anyone wishing to remain a member of the cultural, intellectual or political élite would have been unwise to echo Blainey's views. By the late 1990s, it had become even more unthinkable for the educated middle classes to support Hanson. Anyone who engaged in such unorthodox behavior would "step outside the circle of tolerance and enlightenment . . . to identify with parochials at their worst."[10]

Crime and Punishment?

After thirteen long years of political correctness at the hands of the federal Labor government, Hanson stood almost alone in mounting a spirited defence of old Australia against the globalist designs of the great and the good. Well before the Whitlam Labor government had come to power in the 1970s, moves were afoot in enlightened circles to dismantle the achievement of the Federation movement: "the Australian settlement." The essential elements of that settlement were the White Australia policy, the industrial arbitration system and the protective tariff.[11]

By time of Hanson's surprise election to Parliament in 1996, those fundamental building blocks of Australian nationhood were being displaced by a new Australia: "a cosmopolitan, multiracial, outward-looking nation, integrated with the world economy and, through growing trade and immigration, with Asia."[12] For Hanson, the last straw was the demand that Australians do perpetual penance for their alleged dispossession of the aboriginal population. Her attacks on reverse discrimination that favored aborigines achieved instant notoriety — a notoriety exceeded only by the hysterical response to her maiden speech voicing the fear that Australia was being "swamped by Asians."[13]

In retaliation, progressives and their allies in the media, the universities and the ethnic lobbies (together with "respectable conservatives" such as Tony Abbott, now the Commonwealth Minister for Health)[14] launched an

10. Betts, *The Great Divide*, *op. cit.*, p. 160n.

11. Robert Birrell, *A Nation of Our Own* (Melbourne: Longman, 1995), p. 266.

12. Paul Sheehan, "Still a Land of the Fair Go, Despite Fabrications," in *Sydney Morning Herald* (September 8, 2003), p. 11.

13. *Commonwealth Parliamentary Debates* (September 10, 1996), pp. 3860-3.

14. See Tony Abbott, *et al.*, *Two Nations: The Causes and the Effects of the Rise of the One Nation Party in Australia*, foreword by Robert Manne (Melbourne: Bookman, 1998); Geoffrey Gray and Christine Winter, *The Resurgence of Racism: Howard, Hanson and the Race Debate* (Melbourne: Monash Publications, 1997); Bligh Grant, *Pauline Hanson: One Nation and Australian Politics* (Armidale, NSW: University of New England Press, 1997).

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all-out war on Hanson and her followers. That campaign of retribution culminated in a sentence of three years imprisonment when she and Ettridge, her co-defendant, were convicted on the criminal charge of dishonestly inducing the registration of their One Nation Party. As the party's registered agent, Hanson was also convicted of dishonestly obtaining electoral funding.

Unlike Sacco and Vanzetti, Hanson and Ettridge did not rob a bank or shoot a security guard. Nor did they face the electric chair. Precisely because Hanson and Ettridge cannot be portrayed as criminal desperadoes threatening the lives and property of their fellow citizens, the political character of the "justice" meted out to them is difficult to conceal. Even Prime Minister Howard conceded that Hanson and Ettridge received very harsh punishment for something that is "not naturally a crime."[15] The Prime Minister characterized the offense in question as a *malum prohibitum* rather than a *malum in se*. It may be argued that Hanson and Ettridge were convicted of fraudulent misrepresentation under the Queensland *Criminal Code*,[16] and that fraud is always wrong *per se*, not a mere technical breach of the law. In this case, however, dishonesty is in the eye of the beholder. The charge that Hanson and Ettridge are guilty of fraudulent misrepresentation rested on their alleged violation of a provision in the *Electoral Act 1992*[17] requiring applications for registration of a political party to be accompanied by a list of 500 members. It follows that any judgment as to Hanson's and Ettridge's "dishonesty" turned on not just the meaning of "membership" in a "political party," but also on the issue of just who is entitled to define those terms.

First of all, the statutory requirement applies *only* to non-parliamentary parties, not to political parties generally. Any party, indeed Howard's own Liberal Party or even One Nation itself after the 1998 state election, is legally free to adopt whatever structure it likes as long as it is represented in the Queensland parliament. The same principle applies at the Commonwealth level. Accordingly, despite having the same membership structure that landed it in hot water in Queensland, One Nation faced no legal obstacles when it sought registration under federal electoral law, because it qualified as a "parliamentary party." It could adopt a constitution to suit itself. Howard's point is that Hanson's punishment does not fit the crime. But what did Hanson and Ettridge do that could have been construed as "criminal"?

The first step into legal quicksand was to adapt a fairly well-known

15. As reported in the *Sydney Morning Herald* (August 26, 2003), p. 1.
16. *s 408(C)1(b) and (f).*
17. *s 70(4)(e).*

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form of business organization to the political scene. In effect, Hanson, Ettridge and David Oldfield (now a member of the New South Wales Legislative Council) organized the One Nation movement on the model of a company with dual class common stock — just such a capital structure is sometimes adopted in family firms to preserve "insider" control against hostile takeovers. Control is secured either by attaching super-voting rights to the Class A shares held exclusively by family members, or by limiting voting rights to those shares. In such a structure, the Class B shares open to the public carry either only one vote per share or no votes at all.

In reconfiguring this organizational form to deal with the particular political issues facing the One Nation movement, Hanson, Ettridge, and Oldfield, created three interlocking entities or "modules." This complicated structure was designed "to provide protection for the political party and make each module a self-contained entity, which if attacked by unfriendlies will not contaminate the other modules."[18] The first two entities, Hanson's One Nation Party (an unincorporated association) and a company called Pauline Hanson's One Nation Limited, created to administer the national office, were controlled by a management committee consisting of Hanson and the two Davids. This committee was also in control of the third entity, Pauline Hanson's Support Movement Inc. In the supporters movement, there were two levels of membership. Those applying for membership through the party's national office paid dues of $40 and were entitled to voting rights in the local branches of the Support Movement (but not in Pauline Hanson's One Nation Party). A second tier of membership was open to persons paying $5 in dues; those applications were processed through the Support Movement branches. That class of members was not entitled to voting rights in either the party or the support movement.

When considering One Nation's 1997 application for registration, the Queensland electoral commissioner raised no question about the modular structure of the movement. The commissioner took the view that "political parties are largely private unincorporated associations" and "therefore the commission should not be delving into their internal affairs."[19] Instead, the Commission conducted a survey of persons included on a list of 530 "members" in Queensland drawn from the computerized files in the national office and submitted by Ettridge as part of One Nation's application for registration. In response to a mailout of 250 questionnaires, 217

18. David Ettridge, quoted in *Sharples v O'Shea* [1999] QSC 190 (Atkinson, J), §108.
19. *Ibid.*, §51.

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persons confirmed that they were members of One Nation. On this basis, the party's application was approved.[20]

As a duly recognized, lawfully registered, political party, One Nation entered the 1998 Queensland State election, winning 11 out of 89 seats in the state parliament and attracting more votes than either the Liberal Party or the National Party. Later, One Nation applied for and received just under $500,000 in electoral funding, to which it was presumptively entitled on the basis of the 439,121 votes (22.7% of the total votes cast) its candidates had received.[21] Neither Hanson nor Ettridge derived any personal benefit from that funding. In any case, the money was refunded after a disaffected former One Nation candidate (with Abbott's support) undertook a successful civil action in 1999, seeking judicial review of the Queensland electoral commissioner's decision to register One Nation. Hanson was joined as second defendant. Upholding the plaintiff's claim, Justice Atkinson of the Queensland Supreme Court ruled that at the time of its registration the One Nation Party lacked the requisite number of "members." The judgment further declared that Hanson and Ettridge had set out intentionally to defraud the electoral commission by misrepresenting the number of members in Hanson's One Nation.[22]

Justice Atkinson's judgment in *Sharples v O'Shea* (upheld on appeal[23]) laid the legal groundwork for the subsequent criminal prosecution of Hanson and Ettridge in 2003. As soon as they were convicted and sentenced, progressive legal commentators and editorialists were quick to reject any suggestion that Hanson and Ettridge were now Australia's only political prisoners, reminding their readers that the pair had received a fair trial in which a jury of their peers reached a verdict based on a consideration of the evidence.[24] Given the finding of fraudulent misrepresentation in the earlier civil matter, there was little for the jury to do in the criminal case but to consider whether the Director of Public Prosecutions had proved beyond a reasonable doubt that the One Nation "party" (as defined by the Crown) did not have the required 500 "members" (also, as defined by the Crown).

Yet, even if the Crown's evidence is accepted at face value, nothing

20. *Ibid.*, §73-76.

21. Anthony Green, "Perils of Pauline: her Breach of 'Club' Rules was Technical Rather than Deceit," in *Sydney Morning Herald* (August 22, 2003), p. 11.

22. *Sharples*, *op. cit.*, §130-132.

23. *Sharples v O'Shea* [2000] QCA 23.

24. George Williams and Bryan Mercurio, "Political Prisoner Status Earned, not Stolen," in *Sydney Morning Herald* (August 27, 2003), p. 13.

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Hanson and Ettridge did should have been construed even as a *malum prohibitum*, much less as an evil act. The nub of the issue is this: if Hanson and Ettridge did not engage in behavior *explicitly prohibited* by either the *Electoral Act 1992* or the *Criminal Code*, how could they have committed a *crime*? Thus, this case was never about crime and punishment. Instead, it reflected the deepening crisis of common law constitutionalism: the ancient constitution of liberty is giving way to a constitution of control. The threat to the common law tradition of liberty can be seen at two levels. First, in the interpretive strategy deployed by all of the judges involved in every civil and the criminal case arising out of the registration in Queensland of the One Nation Party — even in the judgment of the Court of Appeal overturning the criminal conviction of Hanson and Ettridge. Second, in the way liberty has been put at risk whenever courts and administrative tribunals have been pressed into service in the long-running "progressive" campaign to contain, control and, ultimately deconstruct the unruly civic spirit of Australian ethnonationalism.

Legal Fictions and Political Realities

According to the Director of Public Prosecutions, the basic facts in the criminal case were clear, established, in large part, on the basis of public statements made by the defendants. Ettridge made no secret of One Nation's Byzantine structure. On the contrary, he declared openly that the party structure had been designed deliberately to repel "whiteants." Should a predator sink its teeth into the party, it could simply drop its tail like a skink and scoot to safety.[25] The question was whether this "modular" design can be regarded, *ipso facto*, as a fraudulent misrepresentation when the "control module" lodges an application for registration, formally, in the name of the "party" but, practically speaking, as a surrogate for the "movement" as a whole. The Queensland courts had already answered that question in the affirmative in *Sharples v O'Shea*.

In the Queensland Supreme Court, the portion of Justice Atkinson's decision dealing with the issue of fraudulent misrepresentation was astonishingly preemptory. On the grounds that Hanson's One Nation did not have 500 members, that Hanson and Ettridge must have known that fact and yet, that it had formally applied for registration, Justice Atkinson concluded that "the Commission's decision to register Pauline Hanson's

25. *Sharples*, *op. cit.*, n. 18, §80n.; Ian Ward, "One Nation: Organisation, Party and Democracy," in Michael Leach, Geoffrey Stokes and Ian Ward, *The Rise and Fall of One Nation* (St Lucia: University of Queensland Press, 2000), p. 103.

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One Nation was induced or affected by fraud or misrepresentation."[26] Once that judgment was upheld by the Court of Appeal, any subsequent criminal prosecution based on the same facts could be expected to result in a conviction unless Hanson and Ettridge came before a jury prepared to nullify the law as laid down in *Sharples v O'Shea*.

Of course, neither the Supreme Court's nor the Court of Appeals' judgment was legally preordained: the result in both proceedings hinged mainly on judicial interpretations of the relevant statute. The case turned on the meaning of "membership" in a political party, but neither Justice Atkinson nor the appellate court ever acknowledged the absence in the *Electoral Act 1992* of any provision expressly requiring political parties to confer voting rights on any of their "members." While s 73A(1)(f) states that preselection ballots "must satisfy the general principles of free and democratic elections," s 73A(2)(b) provides that "only members who are eligible to vote in the [preselection] ballot under the party's constitution may vote." The *Act* therefore acknowledges that not all "members" of a registered political party are necessarily entitled to voting rights, even in a preselection ballot. As for the right to vote on other matters, the *Act* is silent, presumably leaving such issues to be determined by the party in a manner consistent with its own needs, interests and political philosophy.

Common law was a bulwark of liberty simply because England, for much of its history, was a "stateless society" in which governmental authority was radically decentralized into a confusing welter of shires, parishes, landed estates, private households, boroughs and other bodies.[27] Law emerged out of an autonomous society. By contrast, in the continental civil law tradition rights and liberties owed less to the folkways of a free society than to the potentially despotic will of a prince. By its very nature, the *Electoral Act 1992* marks a fateful shift toward a civilian tradition within which individual rights are in the gift of the state. The linkage of public funding to eligible registered parties has changed their very nature: they have lost their character as private voluntary associations.

In her judgment, Justice Atkinson displayed a disregard for the traditional canons of statutory interpretation. The Queensland electoral commission's decision applied the common law understanding of political parties as private unincorporated associations free to order their internal affairs in whatever manner they see fit. That approach, taken on the advice

26. *Ibid.*, §132.
27. Kenneth Dyson, *The State Tradition in Western Europe* (Oxford: Martin Robertson, 1980), pp. 19 and 271-2.

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of the Crown solicitor, reflected a basic axiom of common law, i.e., that which is not prohibited is allowed.[28] In general, any statute in derogation of common law should be strictly construed. Statutes, such as the *Electoral Act 1992*, which clearly trench on the freedom to form and join private, voluntary associations according to their political beliefs, should be interpreted in light of the common law presumption *in favorem libertatis*. Therefore, the Queensland Supreme Court should and could have interpreted the *Electoral Act 1992* so as to minimize state interference with the freedom of non-parliamentary parties to define the respective rights and obligations of both their members and office holders.

Justice Atkinson's judgment reflected the tendentially totalitarian logic of "statism": only that which positive law permits is not prohibited. Accordingly, unless the *Electoral Act 1992* expressly allows non-parliamentary parties to organize themselves in the modular fashion adopted by One Nation, they must not do so. Should they dare to adopt such a structure, any subsequent claim on public funding will be fraudulent. This reasoning becomes altogether despotic when the *Electoral Act 1992* is regarded, not as a *remedial* law, providing a right of action to private individuals, but as a *penal* law threatening defendants with the loss of their liberty. Once again, courts are bound by the canons of statutory interpretation to construe penal statutes strictly, presuming that parliament would not strip subjects of their liberty without expressing that intention in clear and unequivocal language. Neither the judge presiding over the District Court trial of Hanson and Ettridge, nor the Court of Appeals that overturned their conviction, paid any attention to that presumption.

No Queensland court has ever considered the purpose of the statutory requirement that a political party without parliamentary representation must have at least 500 members. For centuries, judges have been accustomed to interpret statutes in the light of the mischief rule whereby they must take into account both "the mischief and defect for which the common law did not provide" and "the true reason of the remedy" that Parliament "hath resolved and appointed to cure the disease of the commonwealth."[29] Clearly, the requirement that non-parliamentary parties demonstrate that they have at least 500 members aims to forestall the mischief that would otherwise be sown by cynical political operatives cluttering ballot papers with fictional parties in the hope, *inter alia*, of influencing the flow of preferences.

28. Cf. *Potter v Minahan* (1908) 7 CLR 277, p. 321.
29. *Heydon's Case* (1584) 76 Eng Rep 637 (Exchequer).

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Whether or not One Nation had an undemocratic structure, it was no mere "paper" party, but a real entity with a substantial membership base, even if not all of its members had voting rights. By any reasonable standard, One Nation was probably the most significant movement to appear in Australia for decades. How, then, could the registration of the party representing that movement have been based on a "fraudulent misrepresentation"? To the thousands of people who became active Hanson supporters, it is her conviction on a charge of fraud, not the One Nation Party, which is the more egregious legal fiction.

The Queensland courts ignored political realities in basing their decisions on the legal fiction that Hanson's One Nation Party and Pauline Hanson Support Movement, Inc. were distinct legal entities and that members of the latter were not members of the former for purposes of registration under the *Electoral Act 1992*. The movement provided the party with its *raison d'être*. In creating Hanson's One Nation Party, Ettridge and Hanson were clearly seeking to defend the political integrity of the movement as a whole from outside forces hostile to its core values.

As a populist movement locked in combat with deeply entrenched élites, the founders of the One Nation movement were caught in a catch 22 situation: either they adopted a traditional party structure open to capture by its enemies, or they set up an artificial and undemocratic barrier between the inner, "private" party and the outer, "public" movement, thereby exposing themselves to charges of hypocrisy and authoritarianism or to prosecution. When that unforeseen risk became an objective reality, it was only by pleading ignorance of the legal consequences of their own actions that Hanson and Ettridge saved themselves from an even greater loss of personal liberty. Their supporters can be thankful that Hanson and Ettridge were able to wriggle out of prison through the legal loophole opened up by an experienced and expensive team of lawyers. But it would be folly to miss the larger significance of their case. Even the judgment of the appellate tribunal that set Hanson and Ettridge free reflects the legal logic inherent in a *constitution of control* steadily undermining the foundations of freedom.

The Subjective/Objective Dichotomy in the Jurisprudence of Control

Strangely enough, whatever the intentions of the Management Committee of the One Nation Party, there is evidence that the Chinese wall erected between the party and the support movement was regularly breached in the process of recruiting new members. Many thousands of people from all over Australia, and many more than five hundred from

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Queensland alone, applied for and received membership from the headquarters of Hanson's One Nation Party in Manly, NSW. In return for a substantially higher membership fee than that paid by persons becoming members of the support movement *per se*, they received cards identifying them as party members. In their appeal against conviction, Hanson and Ettridge argued that the office workers who issued such membership cards were acting as delegates of the Management Committee, so that the persons who were enrolled as members of One Nation acquired, if not full voting rights, certain contractual rights against the party. With such rights, these people were arguably "members" of the party proper.

Even before the appeal against their conviction was heard, the Queensland Court of Appeal had pointed to the possibility that Hanson and Ettridge's frequently and publicly stated belief (on which the Crown case relied) that the party only had three members rested on a legal error.[30] In the end, the Court of Appeal overturned the conviction, because "objective circumstances," examined in light of "orthodox contract theory," confirm the claim that One Nation had more than 500 members. According to Chief Justice Paul de Jersey, evidence as to "subjective interpretations" of the party structure, whether by persons who thought they were members or by Ettridge and Hanson who insisted that they were not, "could not legitimately aid a determination of the scope of the contracts entered into by the applicants for membership including identifying the contracting parties." Justice Margaret McMurdo characterized statements by Hanson and Ettridge to the effect that members of the support group were not members of the party as "mis-information intended to confuse the membership and entrench the Management." The evidence "was sufficient to objectively establish their membership" in the party. As a consequence, "the prosecution could not establish beyond reasonable doubt . . . that the list of over 500 names provided by the appellant, Hanson, to the Electoral Commissioner was a list of members of the Pauline Hanson Support Movement and not of the political party."[31] Therefore, the jury's verdict could not be allowed to stand.

It is strange that the successful appeal against Hanson and Ettridge's conviction was based on their own original legal error. No less strange is that it was Chief Justice de Jersey and Justice McMurdo who, along with Helman J, had rejected the earlier appeal against Justice Atkinson's judgment in *Sharple v O'Shea*.[32] In accepting Justice Atkinson's finding that

30. *Hanson v DPP (Qld)*, [2003] QCA 409 §21.
31. *R v Hanson* [2003] QCA 488 §15, 20, 50, 44.
32. *Sharples v O'Shea and Hanson*, *op. cit.*, note 23.

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Hanson had fraudulently induced the electoral registration of the One Nation Party, these two senior judges gave a green light to the subsequent criminal prosecution, resulting in a conviction that they reject as unsound in *R v Hanson*. At the same time, Chief Justice de Jersey was compelled to acknowledge that the Crown proceeded to trial in the District Court on the footing established by *Sharples v O'Shea*; i.e., that "subjective" evidence of statements of intent and expression of opinion by Hanson and Ettridge were admissible to determine the question of party membership.[33]

In *R v Hanson*, both Chief Justice de Jersey and Justice McMurdo argue (Davies JA concurring) that the civil and criminal appeals had different outcomes because the two cases involved different parties, different evidence from different witnesses, and a different standard of proof (liability being based on the balance of probabilities in the civil suit, while a guilty verdict in criminal proceedings requires proof beyond reasonable doubt).[34] The Chief Justice seeks to absolve his Court of any responsibility for the manifest injustice suffered by Hanson and Ettridge, explaining the failure of the courts in earlier proceedings to address "the relevance of all of the evidence . . . with appropriate precision" by reference to the inexperience of trial counsel for the defence and the absence of "a properly resourced, highly talented, top level team of prosecutors."[35] The implication of this self-exculpatory *obiter dictum* is that judges learn their law from counsel appearing before them. Therefore, even at the appellate level, parties appearing before the Queensland courts can expect no assistance on matters of law from the judges presiding over their cases, however "learned" they may be. Unless criminal defendants retain top-flight counsel to deal with every conceivable issue, even a poor prosecution case may lead, as it did here, to conviction and loss of liberty.

It has long been a commonplace of legal progressivism that everyone accused of a criminal offence is entitled to competent legal representation. From this perspective, one of the great failures of common law was the refusal to grant criminal defendants in capital cases a right to counsel "unless some point of law shall arise proper to be debated." Sir Edward Coke justified that settled rule on the ground that it would ensure that "the evidence to convict a prisoner should be so manifest, as it could not be contradicted." Blackstone suggested that it "was therefore thought too dangerous an experiment, to let an advocate try, whether it could be contradicted

33. *R v Hanson*, *op. cit.*, §22, note 31.
34. *Ibid.*, §23-27 and 48-50.
35. *Ibid.*, §40-41.

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or no." Under that regime, it followed "that the judge shall be counsel for the prisoner; that is, shall see that the proceedings against him are legal and strictly regular." Even Blackstone (Bentham's *bête noire*) was enough of a proto-progressive to deplore this apparent departure from the generally "humane treatment of prisoners by the English law," calling for "the interposition of the legislature" to remedy a defect recognized by the judges themselves who seldom scrupled "to allow a prisoner counsel to stand by him at the bar, and instruct him what questions to ask."[36] Now that every criminal defendant is free to retain legal representation, judges have foresworn even that modest degree of judicial activism *in favorem libertatis*. Should incompetent counsel represent the parties before them, judges are apparently free to retreat into passivity, disclaiming any special expertise in, or responsibility for, the resolution of the legal issues before them.

At the same time, the Court of Appeal insisted on playing an activist role when it came to determining the membership of the One Nation Party. To say that whether a particular person is a member of One Nation depends on "objective" evidence and "orthodox contract theory" is to take the matter out of the party's hands. Hanson and Ettridge avoided a long imprisonment only by their own apparent legal incompetence. They believed that the party and the support group had been constructed as watertight compartments; but they were wrong. Had they been better advised, they might have eliminated any objective evidence of contractual links between members of the support group and the party. If they had then used the same (support group) membership list in support of the (party's) application for electoral registration, the Court of Appeal would have rejected their appeal against conviction. The "subjective" evidence that carried the day in the civil proceeding and in the criminal trial in the District Court would stand uncontradicted by any "objective" evidence that members of the support group were also members of the party. In other words, the Crown would have been able to demonstrate beyond reasonable doubt that, because the One Nation Party lacked the requisite 500 members, Hanson and Ettridge had fraudulently induced its electoral registration.

The only other ground on which an appeal might have succeeded is no more supportive of the freedom of political parties to govern their internal affairs as they see fit. Consistent with the statist logic of Justice Atkinson's

36. William Blackstone, *Commentaries on the Law of England*, Vol. 4 (Chicago: University of Chicago Press, 1979), pp. 349-50. On Blackstone's proto-progressive leanings, see David Lieberman, *The Province of Legislation Determined* (Cambridge: Cambridge University Press, 1989).

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original judgment, Hanson and Ettridge would have to demonstrate that the *Electoral Act 1992* permitted a modular structure of the sort employed by One Nation. In *R v Hanson*, the Chief Justice conceded that the 500 members required to register the One Nation Party could, in accordance with s 3 of the *Act*, be members of a "related political party." Under s 6, parties are "related" if "one is part of the other" or "both are parts of the same political party." Early on in the criminal trial where he represented himself, Ettridge contended that the support movement was "part of the same organization" as the One Nation Party. The Chief Justice notes that this was "a live issue which, having been raised, should have been left for the consideration of the jury." The trial judge's failure to mention this point in the summing up amounted to a "substantial deficiency" sufficient in itself to quash the conviction.[37] This conclusion, however, begs the question of how the trial judge might have dealt with the issue in her directions to the jury.

Here, again, the Chief Justice contends that the issue whether "the entities were related had to be determined objectively."[38] The defendants could avoid conviction only through their legal incompetence. Had they established a structure free of any "objective" evidence of "contractual" links between members of the support group and the party's Management Committee, they would have been unable to raise the defence that the support group was "a related party" within the meaning of the *Electoral Act 1992*, as construed by the Chief Justice. The "subjective" commitment displayed by members of both groups to the movement's common cause would not have mattered. In the absence of objective evidence of a contractual connection between the party and its support movement, a trial judge following the logic of the Chief Justice's *obiter dictum* would have been bound to direct the jury to convict.

But legal discourse is not always and necessarily a matter of logic. In *R v Hanson*, "objective" evidence of a contractual relation between "members" and a "political party" led the Queensland Court of Appeal to void the conviction. This does not mean that, in the absence of such "objective" evidence, courts may never rely on "subjective" intentions to determine whether or not particular people are or have been members of a political party. Both the meaning and the practical application of the Court's dichotomy between subjective and objective evidence are inherently indeterminate. The courts, in fact, used subjective evidence in *Sharples v O'Shea* to support the finding that the One Nation Party did

37. *R v Hanson*, §30 and 34, note 31.
38. *Ibid.*, §33.

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not have the requisite 500 members (while, at the same time, rejecting the subjective belief of a statistically valid sample of over 250 persons surveyed by the electoral commission that they were members of the party). Conversely, in dealing with the security problems posed, not long ago, by the communist underground, several Western states accepted subjective evidence to establish that the party *did* have a secret network of members (in the face of denials by its public leadership).[39]

The choice between the subjective and objectives poles of legal discourse is not a merely practical issue. As legal progressives influenced by the Critical Legal Studies movement have observed, "no line between subjectivity and objectivity can ever be drawn." Every attempt to distinguish the subjective and objective aspects of the organizational life of the modern corporate welfare state founders on the need to include "subjectivity on the objective side of the boundary and objectivity on the subjective side."[40] This becomes evident in Chief Justice de Jersey's account of the decisive role played by "orthodox contact theory" in establishing the "objective" reality of membership in the One Nation Party.[41]

In claiming that the appeal in *R v Hanson* turned on "objective" evidence, the Chief Justice was, in effect, downplaying the significance of his personal or "subjective" judgment, or that of his colleagues on the

39. In dealing with the problem of communist subversion, there was really no alternative, since the first step for anyone joining the underground was to destroy his party membership card. Every underground agent was careful to expunge any other "objective" evidence of past or continuing links between himself and the above-ground party, often by taking on an entirely new identity. The "objective" reality of the underground network then came to depend almost entirely on "subjective" individual commitment of those who belonged to it. As it happened, ordinary rank and file members of the above ground party were its least important resource. It was the underground that became the breeding ground for the most dedicated and effective future leaders of the party as a whole: "The first trustworthy cadre of the American Communist movement came out of the first underground." See Theodore Draper, *The Roots of American Communism* (New York: Viking Press, 1957), pp. 208-9. In the absence of any "objective" evidence as to "membership" of the underground party, legal authorities in the US and elsewhere had to rely on the "subjective" testimony of turncoats and informers to determine whether they or anyone fingered by them were or had ever been secret Communist agents. See Whittaker Chambers, *Witness* (New York: Random House, 1952).

40. Gerald E. Frug, "The Ideology of Bureaucracy in American Law" (1984) *Harvard Law Review*, Vol. 97, p. 1287.

41. *Ibid.*, p. 1319. Orthodox contract theory is, of course, a product of legal expertise. It emerges out of a particular legal community of judges, lawyers, and academics. Moreover, the capacity of any given judge or lawyer to understand and apply the received principles of contract law depends on personal or "subjective" qualities such as "judgement, character, ingenuity, energy, enthusiasm, imagination, creativity."

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appellate bench, in the outcome of the case. Like any other bureaucratic organization, a court "is successful when it melds diverse individuals into an organizational personality;" an individual judge "is successful when he embodies that personality." The successful judge is one who can recognize and respond to the corporate needs and institutional interests of his court as they become clear in particular cases. "A failure of judgment — a failure to recognize the organization's needs — will destroy the organization and the judge along with it."[42] In overturning the conviction of Hanson and Ettridge, the Queensland Court of Appeal rectified serious errors of legal judgment. In *Sharples v O'Shea*, however, it was careful to attribute those misjudgments, not to itself (or Justice Atkinson) but to Hanson and Ettridge, their legal representatives, the Director of Public Prosecutions, and the trial judge in the District Court.

That Hanson's appeal succeeded because of a previously undetected technical legal error in the organizational design of the One Nation movement will be cold comfort to anyone convinced that her only "crime" was to have challenged the state's hegemonic power. Her conviction was not overturned because the Court of Appeal established her "innocence." On the contrary, the Court never retreated from the claim that Hanson had the guilty intent, or *mens rea*, to fraudulently induce the registration of the One Nation Party. In upholding the appeal in the criminal matter, it found that the Crown could not establish the act constituting an offence, or the *actus reus*, beyond a reasonable doubt because, whatever Hanson and Ettridge may have believed, the party did have 500 members. Confronted with the can of worms opened by its earlier judgment in *Sharples*, the Court of Appeal quickly concluded that Hanson's subjective state of mind could not be the sole support for a criminal conviction.

Clearly, the Hanson and Ettridge case is a warning of more politically inspired injustice to come.[43] The political reality of the One Nation's experience is that the constitution no longer exists to *limit* the potentially

42. *Ibid.*, p. 1319.

43. Indeed, with growing pressure to attach higher penalties to so-called "hate crimes" and to proscribe "hate speech," the distinction between *mens rea* and *actus reus* is being eroded so that "subjective" states of mind are being criminalized or, even worse, pathologized. Over forty years ago, intellectuals who opposed the White Australian policy began to stigmatize color prejudice as "a disease." Today's progressives are even more adamant in claiming that anyone who supports Hanson's call for a return to restricting immigration on racial grounds "is an insecure man, an ignorant man, to speak plainly, an inferior man, who . . . is a nuisance to his country and an embarrassment to his fellow citizens." See Kenneth Rivett, ed., Immigration Reform Group, *Immigration Control or Colour Bar?* (Melbourne: Melbourne University Press, 1962) p. 123.

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despotic governmental power. Rather, it is designed to *enhance* its power to control and remake society. The fundamental premise underlying the conviction of Hanson and Ettridge, as well as the successful appeal against it, is that the constitution of the One Nation movement, or of *any* political movement — and the behavior of its members — must adapt to the requirements of disciplinary normalization laid down by the managerial-therapeutic state and justified by the self-legitimating claims of its legal guardians. Equipped with an open-ended mandate to promote collective welfare, to prevent or punish "dysfunctional" deviance from officially prescribed behavioral norms in thought, word, and deed, and to promulgate plainly utopian schemes of universal human rights, law is now "simply politics by other means."[44]

One implication of that claim was articulated in an editorial that appeared shortly after the appeal court handed down its judgment in *R v Hanson*. According to the *Sydney Morning Herald*, confusion over "the question of what constitutes membership of a political party" in the Hanson and Ettridge case exposed a "weakness in Australian democracy." That weakness had nothing to do with the legal system's refusal to treat political parties as private, self-governing, voluntary associations. On the contrary, the newspaper called for urgent action by attorneys-general, "collectively and in co-operation," to ensure that "state and federal electoral laws define clearly and consistently what constitutes a political party and what constitutes membership of one."[45] Hanson has been released from jail, but society remains bound, hand and foot, to the state.

Populist Insurgencies and the Principle of Convergence

When Hanson was imprisoned, an initial shock among her supporters gave way to smouldering resentment. It is not yet clear whether that anger will dissipate, because she was imprisoned only for eleven weeks rather than three years. Had Hanson and Ettridge served their full sentence, the battle lines might have been drawn ever more clearly between their supporters and the bipartisan corporate state. A long struggle to release and vindicate Hanson had the potential to reinvigorate the One Nation movement. Hanson and Ettridge could have become the Sacco and Vanzetti of the populist Right. Hanson's enemies hope that her successful appeal will

44. David Kairys, "Legal Reasoning" in David Kairys, ed., *The Politics of Law: A Progressive Critique* (New York: Pantheon, 1982), p. 17.

45. Editorial, "What, Then, is a Party Member?" in *Sydney Morning Herald* (November 8-9, 2003), p. 40.

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undercut any effort by One Nation to portray her as a victim of political persecution. In fact, precisely because the state has not been able to lock her away from the public view, Hanson may serve as a reminder that the spirit of liberty can still find ways to poke through the cracks and chinks in the coercive armory of the contemporary corporate welfare state.

Unlike the anarchist duo, Hanson and Ettridge have been set free. Now that the official verdict has turned out to be a fraudulent misrepresentation, the case may spark a growing spirit of resistance to the managerial regime that imprisoned her. That possibility will never be realized, however, until One Nation activists duplicate the most important achievement of the movement to save Sacco and Vanzetti. That movement seemed a failure: the two men were electrocuted. In the long run, however, their supporters persuaded most intellectuals to switch allegiance — a "transfer of allegiance" that has been essential in every successful revolutionary movement.[46]

Beginning with their depression-era efforts to generate moral and political capital out of the Sacco and Vanzetti case, the Left has worked assiduously to undermine the legitimacy of the traditional American and, more broadly, Western way of life by highlighting the plight of its alleged victims. The Hanson and Ettridge case could help to crystallize a counter-revolutionary movement in Australia, challenging the legitimacy of the managerial regime.[47] By contrast, as the long campaign to save Sacco and Vanzetti wound down to its wretched end, Dos Passos was left in despair. "America our nation," he declared, "has been beaten by strangers." Men strong and rich enough "to hire and fire the politicians, the newspaper editors, the old judges, the small men with reputations, [and] the college presidents" had created another American nation. Then, in that sickening new world, the hirelings of the powerful had "turned our language inside out," taking "the clean words our fathers spoke," making "them slimy and foul."[48] But Dos Passos was wrong to think that it was he and his radical friends who represented the real America in 1927. Only later did he come to understand the profoundly anti-American character of the international

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46. Crane Brinton, *The Anatomy of Revolution* (New York: Vintage, 1965,) pp. 39-49.

47. Any such campaign will miscarry unless it will be able to reverse the *trahison des clercs* that has left their movement with plenty of heart, but no head. See Julien Benda, *La Trahison des clercs (The Treason of the Intellectuals)* (Paris: J.-J. Pauvert, 1965). If knowledge is power, the educated classes hold the keys to the kingdom. Only when significant numbers of intellectuals break ranks with the established order to help Hanson and the One Nation movement understand the nature of the forces arrayed against them will her release from prison provide grounds for hope.

48. Dos Passos, *USA (The Big Money)*, *op. cit.*, pp. 461-2.

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movement mobilized to defend Sacco and Vanzetti.[49]

In 1927, in both Australia and the US the nation-state was reaching the peak of its power and prestige. Successful states had been created throughout the Western world by crystallizing the core ethno-cultural identity of nations still possessing a life of their own. Within those nation-states, liberals, pacifists, anarchists, socialists, communists, and feminists (all of whom then saw themselves as the internationalist vanguard of a proletarian revolution) were struggling to gain state power. Only in the Soviet Union had they managed to win the war against capitalism. Even there, much to the chagrin of those advocating a global, permanent revolution, the "worker's state" committed itself to "socialism in one country."[50]

Ever since the Enlightenment, the Left's goal has been to employ state power to remake and ultimately to dissolve the nation into an "imagined community"[51] whose members play their allotted parts in a script dictated from above. One Nation's greatest weakness lay in the similarly statist assumptions underpinning its political strategy. Hanson and her followers seem to take it for granted that the Australian nation could be saved by reconstructing the centralizing state created at the turn of the 20th century to administer the Australian settlement. In fact, federation in Australia was a *state building*, not *a nation building*

49. See Townsend Ludington, *John Dos Passos: A Twentieth Century Odyssey* (New York: EP Dutton,1980), pp 362-99.

50. E. H. Carr, *A History of Soviet Russia* (New York: Macmillan, 1951). Actually, nations do not require a state to organize and direct their life. Medieval and early modern Germany provides a clear example of a nation incorporating hundreds of principalities and states. In 1828, when Germany was still fragmented into thirty-nine independent states, Goethe had warned against the revolutionary mania for a politically united nation-state. Germany, he said, was already united economically, culturally, and socially. He attributed the cultural vitality of the German nation to the absence of a single supervisory state. "What makes Germany great is her admirable popular culture, which has penetrated all parts of the Empire evenly." That cultural vitality and the economic prosperity that came with it sprang from the energy generated within a great variety of autonomous principalities and city-states. "Frankfurt, Bremen, Hamburg, Lübeck are large and brilliant, and their impact upon the prosperity of Germany is incalculable. Yet, would they remain what they are if they were to lose their independence and be incorporated as provincial cities into one great German Empire? I have reason to doubt this." See Johann Wolfgang von Goethe, quoted in Hans-Hermann Hoppe, *Democracy: The God that Failed* (New Brunswick, NJ: Transaction, 2001), p. 118. No one state could lay claim to the German nation until 1871. As things turned out, however, the rise of the nation-state was a mixed blessing. Goethe would not have been surprised to learn that the vampire state eventually sucked dry the wellsprings of political energy, cultural vitality, and constitutional liberty.

51. Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1983).

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project. It came at the price of denying the states, as well as to smaller, local communities and other bodies corporate and politic, the constitutional capacity to govern themselves. Initially suspicious of the Federation movement, the Left in Australia quickly became its most fervent supporters once it understood that the new state apparatus could be used to remake Australian society.

By the late 20th century, the control modules in both the state and an increasingly "transnational" corporate sector had fallen to "progressive" forces. Occupying the commanding heights of the media, the culture industries and universities, the new managerial regime is steadily deconstructing the authority of tradition and every established way of life throughout the Western world. National identity is no longer a product of history, language, or tradition, much less blood and ancestry. Like any other artificial social construct, citizenship has become a matter of law, geography, and economics.

The managerial revolution is dissolving the core identity of every Western nation.[52] The "post-nationalist" Australian republican movement is at the cutting edge of that project, encouraging Australians to renounce their allegiance to a "foreign" Queen, while rejecting as "spurious" any "ethnic definition" of national identity.[53] Leading republicans assert that, like the US, Australia is a "credal" or "propositional" nation, based not on a common ethnicity and a shared history, but on a purely "constitutional patriotism."[54] Following that prescription, immigration and nationality law have embraced a creeping republicanism, hollowing out the acquisition of Australian citizenship to the point where today it "involves little

52. See James Burnham, *The Managerial Revolution: What is Happening in the World* (New York: John Day Company, 1941); Paul Edward Gottfried, *After Liberalism: Mass Democracy in the Managerial State* (Princeton, NJ: Princeton University Press, 1999); and *Multiculturalism and the Politics of Guilt: Toward a Secular Theocracy* (Columbia: University of Missouri Press, 2002). See also Samuel Francis, "Power Trip," in *The Occidental Quarterly* (Summer 2003), Vol. 3, No. 2, pp. 69-78.

53. Donald Horne, *et al*, *The Coming Republic* (Sydney: Pan Macmillan, 1992), p. 210. See also Mary Kalantzis and Bill Cope, "Republicanism and Cultural Diversity," in Wayne Hudson and David Carter, eds. *The Republicanism Debate* (Kensington: University of New South Wales Press, 1993); and Malcolm Turnbull, *The Reluctant Republic* (Melbourne: Mandarin, 1993).

54. Thus, Henry Reynolds insists that "ethnic nationalism" in Australia must be replaced by a "civic nationalism" committed "to the institutions and the laws, to the structure of the state rather than the culture of the nation." See Henry Reynolds, "Racism and Other National Discourses," in *The Resurgence of Racism*, *op. cit.*; and Jürgen Habermas, "Reply," in Michel Rosenfeld and Andrew Arato, *Habermas on Law and Democracy: Critical Exchanges* (Berkeley: University of California Press, 1998), p. 398;

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more than a legal transfer of travel and residence rights."[55]

For Australian republicans, it is now axiomatic that the state (in alliance with the corporate sector) creates the nation, not the other way around. A new "people" is being brought into being by "regulatory practices and processes of social cohesion-building" that are dissolving "the boundaries that divide the state from civil society."[56] It is not just card-carrying members of the Australian Republican Movement who propose to redefine Australian nationhood. The "minimal monarchist" Tony Abbott is no less convinced that an active and educative corporate state can and should remake the Australian people. That same philosophy has spread beyond politics into the legal profession and the judiciary. In her approach to statutory interpretation in *Sharples v O'Shea*, Justice Atkinson simply assumed that the political nation is constitutionally subordinate to the state.[57]

"Minimalist monarchists" such as Tony Abbott and "minimalist republicans" such as Justice Atkinson and Malcolm Turnbull have laid aside their differences on other issues to agree that the state can and should "abolish discrimination and force equality upon society." Given this statist consensus, sophisticated, cosmopolitan men and women of power look upon the question whether the apex of governmental authority should be occupied by the Queen or by a new-modelled Presidency as a secondary issue. Either way, Australian society remains subject to what Abbott calls "the principle of convergence" — a policy more accurately described as "forced integration." Now that a growing diversity of cultures meet and mingle on a plane of legally enforced equality, newcomers have been relieved of any "obligation to pass tests of 'Australianness'."[58] The power to confer "membership" in the nation has been

55. Birrell, *A Nation of Our Ownop. cit.*, p, 282. Like other exponents of the global democratic revolution such as American neo-conservatives or Habermas, Australian republicans celebrate a "community without nation." See Kalantzis and Cope, "Republicanism and Cultural Diversity," *op. cit.*, p. 144.

56. Kalantzis and Cope, *op. cit.*, p. 143.

57. Not surprisingly, before ascending to the bench, Roslyn Atkinson played a prominent role both in the republican movement and also on the Queensland Anti-Discrimination Tribunal. Almost by definition, agencies such as the Anti-Discrimination Tribunal are inimical to a free society. It once went without saying that any person who owned property or ran a business could refuse to hire, rent or sell to anyone else for any reason or no reason at all. Many years ago, Hannah Arendt warned that "without discrimination of some sort, society would cease to exist and very important possibilities of free association and group formation would disappear." See Hannah Arendt, "Reflections on Little Rock," in *Dissent*, Vol. 1 (Winter 1959), p. 51.

58. Tony Abbott, "The Principle of Convergence," Address to the Australia and New Zealand Studies Association of North America, Philadelphia, US (February 21, 2003), p. 6.

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detached from Australian society and lodged in a centralized state monopoly administered by an ever more deracinated managerial élite.

Centralized control over membership is, however, neither necessary nor inevitable. It is certainly not desirable. In the US, before the defeat of the Confederacy in the War for Southern Independence, it was an open question whether the power to naturalize was exclusive to the federal government or shared concurrently with the states. Similarly, in Switzerland, "local assemblies, not the central government, determine who can and cannot become a Swiss citizen."[59] Even after the centralized nation-state asserted its exclusive authority over citizenship and naturalization in the US, neighborhood associations still retained the capacity, through the use of restrictive covenants, to exclude particular persons from ownership and occupancy of real estate.[60]

Since then, everywhere in the English-speaking world, progressives have imposed the principle of convergence on every nook and cranny of society to break down the freedom of association and the power to exclude implicit in the idea of private property. Only by challenging the centralist constitution of control can Australians abolish the policy of forced integration and reconstitute a free society. To have any hope of success, populist insurgencies must pursue a program of decentralization and secession, stripping the central government of its monopoly over the admission or exclusion of strangers. No longer able to define themselves with the confidence and security of their ancestors, large segments of the Australian people have lost their moral compass while others find themselves increasingly sick at heart, fearful for the future of their children and children's children. To restore Australia and other Western nations to moral autonomy and spiritual health, the power to admit or exclude must be "reassigned to the states, provinces, cities, towns, villages, residential districts, and ultimately, to private property owners and their voluntary associations."[61]

Reconstituting the "People" in a Cosmopolitan Democracy

Australian leaders no longer work to preserve the "nation" as an

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59. James H. Kettner, *The Development of American Citizenship, 1608-1870* (Chapel Hill: University of North Carolina Press, 1978), p. 225; Hoppe, *Democracy, op. cit.*, p. 148.

60. That barrier to forced integration was struck down in 1948 by the US Supreme Court on the ground that the judicial enforcement of such agreements amounted to an unconstitutional form of state action denying equal protection of the law to colored persons. See *Shelley v Kraemer* (1948) 334 US 1.

61. Hoppe, *Democracy, op. cit.*, p. 148.

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ethno-cultural entity. They are determined to preside over its demise, without any public debate and without any good reason beyond a blind faith that state-sponsored multiculturalism is both necessary and inevitable. Even so, the Australian nation remains one of the most homogeneous Anglo-European nations on earth. In 1999, the number of Australians of British ancestry was just short of 70%. Another 20% or so came from other parts of Europe. Generations of Australians were once bound to other English-speaking nations by the community of memory nurtured by a ruling class of statesmen, scholars, writers, and artists, resolute in defence of their ethno-cultural interests. Today, however, "the crimson ties"[62] of kinship and history are visibly fraying and may soon snap. Managerial leaders throughout the Western world deliberately foster the emergence of a global mass society. In the name of "cosmopolitan democracy," the legal system sets out to erode the distinction between native-born "insiders" and alien "outsiders."

Hanson's experience demonstrates that Australian political, legal and intellectual élites have already converged with their counterparts overseas. In Australia, cosmopolitan managers, professionals, politicians, journalists and academics identify far more readily with their peers in other countries than with the "parochial" elements in the Australian heartland.[63] Unsurprisingly, the leitmotif of their reaction to Hanson has been embarrassed concern for Australia's international reputation. The globalist ideology that sets Australian intellectuals in such virulent opposition to Hanson also drives a broader process of political convergence, bringing Left and Right together in a common "cult of performance, efficiency and profit."[64] Allied with money and the wealthy classes, the Right cannot defend classical traditions. Meanwhile, having acquired a taste for both wealth and power, the Left now readily collaborates with its old enemies in the corporate sector, recognizing that they, too, are committed to the cause of permanent revolution in everyday life.

Because the wealthy Right "has no principled convictions, only principled interests,"[65] Abbott can join the Left in the campaign to destroy "Hansonism" and to promote mass Third World immigration into Australia, hoping to strengthen democratic pluralism.[66] Were Abbott less remote

62. Henry Parkes, quoted in Turnbull, *The Reluctant Republic*, *op. cit.*, p. 28.
63. Betts, *The Great Divide*, *op. cit.*
64. Alain de Benoist, "End of the Left-Right Dichotomy: The French Case," in *Telos* 102 (Winter 1995), p. 86.
65. *Ibid.*, p. 83.
66. Abbott, "Convergence," *op. cit.*; see also, Tony Abbott, "The Feral Right," in *Two Nations*, *op. cit.*

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from the people Hanson represents, he might recognize that democracy presupposes the survival of a distinctive nation accustomed to an ancestral way of life, a *demos* with folkways unintelligible to outsiders.[67] For "insiders," whether one speaks of a nation or of a political party, membership is more than a matter of formal entitlements to passports or voting rights.

Those who supported the conviction and imprisonment of Hanson and Ettridge claimed that the "law must preserve the integrity of the democratic system."[68] Here again, the assumption was that the state can and should act as the master architect of social and political order. The reality is rather that democracy depends on a shared culture of informal, largely unspoken conventions and understandings — particularly about the importance of self-government — among people who have learned, through generations, to trust each other. Under the impact of mass Third World immigration, enforced multiculturalism, and the social engineering projects mounted by an ever more intrusive human rights industry, the informal bonds of trust sustaining a stable, cohesive society are breaking down.

The social pathology fostered by such forces led the founders of One Nation to adopt the curious structure that, ironically, exposed them to the risk of prosecution. Hanson's opponents claim that she, Ettridge, and Oldfield set themselves up as a three-person party separate and distinct from the "impotent" supporters groups in order to exercise absolute control. Even after Hanson and Ettridge were set free by the Queensland Court of Appeal, this charge was resuscitated and given wide publicity.[69] But in both form and substance, One Nation was a response to the growing disrespect for the ordinary conventions of democratic politics, not just among immigrants, but, more significantly, among managerial and professional elites. From the heights of governmental power in Canberra, Abbott entered the war against One Nation to defend a bipartisan policy designed (on the legal presumption that a person intends the natural and ordinary consequences of his actions) to dissolve the really existing Australian people and elect or, more accurately, have the immigration department select another.

Their putative intellectual superiors often mock the "redneck" character of One Nation supporters. Yet, however inarticulate and uneducated Hanson and her followers may be, they know that neither a nation nor a

67. See Anthony D. Smith, *The Ethnic Origins of Nations* (Oxford: Blackwell, 1986).

68. Editorial, "Hanson's Tawdry Martyrdom," in *Sydney Morning Herald* (August 22, 2003), p. 10.

69. Geoff Kitney, "She's Innocent, but the Party Remains Tainted," in *Sydney Morning Herald* (November 8-9, 2003), p. 4.

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party can survive as a merely transitory, chance aggregate of mutually indifferent individuals. How can individuals, no longer situated in a particular history unfolding toward a particular future, understand themselves as a "we" at all? In one important respect, Anglo-Australians have been their own worst enemies. A salient feature of the ethno-cultural identity shared by the peoples of the Anglosphere (i.e., the UK, the US, English Canada, Australia and New Zealand) is their strongly individualistic orientation, marked by a relatively low level of ethnocentrism. People of British ancestry are a cultural group, the most distinctive folkway of which, in contemporary diaspora communities and their original homeland alike, is a paradoxical tendency to deny the normative significance of their racial identity. As things have turned out, that comparative aversion to collective solidarity has made Anglo-Australians vulnerable to competition from other tightly organized ethnic, racial and religious groups, each vigorously pursuing its own distinctive interests.[70] Their common commitment to multiculturalism and mass Third World immigration brought ethnic lobbyists together with white "anti-racists" in a movement to destroy Hanson's One Nation Party.

"Foreign Powers" and the Meaning of Nationhood

The political campaign against One Nation has made effective use of any available legal weapons. The civil suit and criminal prosecution arising out of the party's electoral registration in Queensland were but the latest episodes in a long series of bruising encounters between One Nation and the legal system. Yet, the legal history of the One Nation movement is far from being over, even in relation to the party's electoral registration in Queensland. Because the Queensland Electoral Commission has reneged on an earlier agreement to make an *ex gratia* payment to Hanson, further legal action will be needed to reclaim the electoral funding that she repaid to the commission after the adverse judgment in *Sharples v O'Shea*.

Much of the ground lost to the multi-pronged legal assault on One Nation may be difficult, if not impossible to recover. In one important case, the enemies of One Nation further fractured the already fragile constitutional comity that once bound the old white settler dominions to the "mother country" through their common allegiance to the British Crown. Shortly after the 1998 federal election, a prominent Malaysian-Chinese businessman sponsored a constitutional challenge in the High Court of

70. Kevin McDonald, "What Makes Western Culture Unique?" in *Occidental Quarterly* (Summer 2002), Vol. 2, No. 2.

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Australia to prevent Heather Hill, the One Nation Senator-elect from Queensland, from taking her seat in the Commonwealth Parliament. At the time she stood for election, Hill held dual Australian and British citizenship, raising the question whether she owed allegiance to or was a citizen of a "foreign power" and was therefore incapable, under s 44 of the *Commonwealth of Australia Constitution Act*, of being chosen or sitting as a member of the Australian Senate. The High Court annulled her election on the grounds that the United Kingdom is, indeed, such a "foreign power." The Court came to that conclusion despite the fact that the Australian Constitution, itself, is an act of the Parliament of the United Kingdom.

In a counter-intuitive move, the High Court invoked the doctrine of the divisibility of the Crown to establish that the Queen of England represents a power foreign to the Queen of Australia. Long ago, in the *Engineers' case*, that doctrine had been rejected as heretical. That decision played a pivotal role in the rise of the centralized state in Australia. To lend its weight to the forces of centralism, the *Engineers'* Court asserted unequivocally that analysis of the Australian constitution must begin with "the primary legal axiom that the Crown is ubiquitous and indivisible in the King's dominions." By insisting that "the Crown is one and indivisible throughout the Empire," the Court effectively undercut the states' constitutional autonomy.[71] In *Sue v Hill*, however, the High Court reverted to the view that the Crown is divisible.[72] In other words, the Crown in right of Australia has been constitutionally alienated from the Crown in right of the UK, even though both are embodied in a single person, Queen Elizabeth II, and united in the same line of succession, fixed in law by the English Parliament in the *Act of Settlement* (1701), well before the first British convicts and settlers set foot in New South Wales. This apparent doctrinal backflip was justified through a master narrative in which Australia evolves from a dependent colony at the time of Federation into an independent, sovereign state with its own international legal personality today. A long line of developments, from *The Statute of Westminster 1931* (Imp) through *the Royal Style and Titles Act 1953* (Cth) and culminating in the *Australia Act 1986* (UK) were cited to establish that the Crown in right of the UK and Northern Ireland is legally and constitutionally distinct from the Crown in right of Australia and, indeed, from the Crown in right of the UK and

71. *Amalgamated Society of Engineers v The Adelaide Steamship Company (Engineers' Case)* (1920) 28 CLR 129, p. 152.

72. *Sue v Hill* (1999), 199 CLR 462.

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Ireland referred to in the preamble of the *Constitution Act*.

Through this "progressive" reading of constitutional history, the majesty of the Crown has been detached from its Anglo-Saxon roots in the ancient constitution and parcelled out among the deracinated states that have replaced the self-governing dominions of the second British Empire. Governments have "nationalized" the Crown as if it were just another public utility. In so doing, they have asserted the right to carve up the once-united body of British subjects into separate "nations" subject to their own exclusive territorial jurisdiction. No longer are all of the peoples of the British diaspora a "community-through-time,"[73] bound together by their common allegiance to the Crown. No longer is the Crown allowed to represent a locus of authority standing outside and beyond the newly minted and increasingly artificial nation-states established in Australia, Canada, New Zealand, as well as the UK. The Crown is now merely a creature of the local state apparatus.

Governments throughout the old Commonwealth have enhanced their capacity to control the people subject to their territorial jurisdiction by treating the Crown as divisible. The separate Australian citizenship that came into being with the passage of the *Nationality and Citizenship Act* (Cth) in 1948 served the same function. Until then, every Australian, including every member of the Senate and the House or Representatives, had been a British subject owing allegiance to a British monarch. Only in 1984 was the *Citizenship Act* amended again to strip Australian citizens of their common law status as British subjects. In *Sue v Hill*, the High Court simply drew the intended corollary and made UK citizens "foreigners" in Australia.

Despite the best efforts of the Commonwealth Parliament and the High Court, no merely formal legal enactment can erase most Australians' indelibly British ancestry. Of course, the term "British" is not a simple ethnic category; it also denotes the identity once shared not just by the peoples of the UK, but also by those in the old dominions.[74] England's people, culture, and laws influenced and were influenced by the peoples, cultures, and laws

73. Roger Scruton, "Democracy is not Enough," in Herbert Spencer Lecture, Oxford University (March 2 1999).

74. According to J. G. A. Pocock, "British history" emerged because "the various peoples and nations, ethnic cultures, social structures, and locally defined communities, which have from time to time existed in the area known as 'Great Britain and Ireland,' have not only acted so as to create the conditions of their several existences;" they "have also interacted so as to modify the conditions of one another's existences." See J. G. A. Pocock, "The Limits and Divisions of British History: In Search of the Unknown Subject," in *American Historical Review* (1982), Vol. 87, p. 317.

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of Wales, Scotland, and Ireland. The sustained and not always successful efforts to forge a common culture out of the convergence between those already closely related peoples became the stuff of British history.

This history soon expanded far beyond its original insular base. From the 17th century on, large numbers of people "who were *anglicized* but, most emphatically, were not necessarily English," left the British Isles to settle the New World across the Atlantic and, later, as far afield as the antipodes. In Australia, Canada, New Zealand, and colonial America, the disparate cultures of the British Isles tended to merge into a common "British" culture. The diaspora communities of the New World became more British than the British: in the Old World, most people still retained their distinctive sectional identities. As a consequence, the British history of those who remained "at home" cannot be written as the story of a single *ethnie*. It is also true that the new and "synthetic" British identity of people in the settler dominions was but a step on the way to being rebadged by governments as Australians, Canadians, and New Zealanders. Yet, the fact remains that the "ethnic composition of the non-indigenous portions of these three nations has been remarkably similar virtually throughout their histories." So, too, are "their governmental structures similar, their cultural evolution parallel."[75] The result is that population genetics, history, and culture have established not only enduring differences, but also natural affinities between the British peoples.

People everywhere learn from an early age to distinguish between "us" and "them." By its very nature, "the whole realm of society in the innumerable variety of its groups and associations" is "subject to the old adage of 'like attracts like'." Social life is built around the differences between various groups "whose very identifiability demands that they discriminate against other groups in the same domain."[76] Conversely, people sharing a common ethnic origin recognize a natural kinship.[77]

In *Sue v Hill*, the High Court embraced the managerial view that Australia is a *state*, not a *nation* whose people still share a core cultural identity with the other peoples of the Anglosphere. No longer are Australians

75. Donald Harman Akenson, "The Historiography of English-Speaking Canada and the Concept of Diaspora: A Skeptical Appreciation" (1995) *Canadian Historical Review* Vol. 76, pp. 392-7.

76. Arendt, "Reflections on Little Rock," *op. cit.*, p. 51.

77. According to Robert Conquest, "the natural affinities among the English-speaking peoples" help to "explain why one never hears an American, an Australian, or an Irishman referred to as a 'foreigner' in England." See Robert Conquest, "Bonds and Bureaucentrism," in *American Outlook* (Spring 2001).

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recognized in constitutional discourse as a particular people whose rights and liberties have their genesis in the distinctive history of the British diaspora. Accordingly, citizenship denotes nothing more than a merely formal (and in the case of members of the Commonwealth Parliament, exclusive) allegiance to the Australian state. The official view is that the Australian state must be detached from the historic Australian nation. As that project unfolds, patriots will be increasingly hard-pressed to regenerate the spiritual strength and cultural vitality or, still more, the ethnic solidarity and political power, of the Anglo-Australian people; at every turn they will be confronted by an intertwined state and corporate apparatus of control transfoming itself, in effect, into a "foreign power" and a hostile one at that.

Conclusion

The corporate state that controls Australia is no longer part of the solution for Australian democracy. It has become the problem. To solve this crisis of legitimacy, the nation will have to reassert itself, and not just in Australia. An essential step to win that struggle will be to recognize the paradox that, ever since the French Revolution, the centralizing and authoritarian logic inherent in the idea of "the nation, one and indivisible," has been an essential weapon in the internationalists' armory. In the US as well as Australia, the rights of the federated states and the autonomy of self-governing communities have been sacrificed on the altar of the unified nation-state in which, inevitably, the state becomes a surrogate for the nation. In microcosm, the claim of One Nation's management committee to embody the movement's "real" and "permanent" interests merely replicated the history of states that have become progressively more detached from their own nations. If they are to succeed, those who carry on Hanson's populist revolt against the managerial revolution from above will have to give up the myth of the nation-state. Only by returning to the federal principle can the liberties ceded to the corrosive, corrupt and coercive powers of the managerial state be restored.

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The United States According to the Italian Communist Press (1945-1953)[1]

Elena Aga Rossi and Giovanni Orsina

Unlike the anti-capitalism and anti-Americanism of the Italian fascist regime, the Italian Communist Party's version articulated during the first post-WWII decade has received little attention in both Italian and international historiography.[2] Yet, it has had a considerable impact on Italian public opinion for the next half century through the communist and communist-influenced mass circulation press, major communist journals and newspapers, such as *Rinascita, Società, Il Risorgimento, Il Politecnico, and L'Unità.*

After the liberation of Rome, Palmiro Togliatti, the head of the Italian Communist Party (hereafter, PCI), entrusted the task of building the ideology of the *partito nuovo* to *Rinascita*, first published in June 1944, and in the journal's first issues he defined the nature of the PCI. As the editor of *Rinascita*, he was also personally involved in what was to be published, and in the cultural debates within the journal. In addition to party leaders, a number of intellectuals who had just joined the party, and many historians, philosophers, jurists, and literary critics also wrote for *Rinascita*. This long

1. An earlier version of this article has appeared as Elena Aga Rossi and Giovanni Orsina, "L'immagine dell'America nella stampa comunista italiana (1945-1953)," in Piero Craveri and Gaetano Quagliariello, eds., *L'antiamericanismo in Italia e in Europa nel secondo dopoguerra* (Soveria Mannelli: Rubbettino, 2004), pp. 119-148.

2. There are some exceptions. See Michela Nacci, *Contro la civiltà dell'abbondanza. L'antiamericanismo del Pci*, in Gaetano Quagliariello and Elena Aga Rossi, eds, *L'altra faccia della luna. I rapporti fra Pci, Pcf e Unione Sovietica* (Bologna: il Mulino, 1997), pp. 239-61; and now Andrea Guiso, "Antiamericanismo e mobilitazione di massa. Il Pci negli anni della Guerra Fredda, 1947-1954," unpublished PhD thesis, partially anticipated in Craveri and Quagliariello, eds., *L'antiamericanismo in Italia, op. cit.*, pp. 149-93.

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list of contributors shows how, immediately after the war, intellectuals were strongly attracted by the PCI, and that the party did not have many scruples in welcoming "converts" from fascism.[3]

L'Unità was the party's official daily, first appearing in Rome and Milan after their respective liberations, and later on in several other local editions. In order to have a mass circulation, it used a colloquial language in more general articles explaining the party's ideology and program. Both *Rinascita* and *L'Unità* published material written by Soviet authors.

Società was first published in Florence in the summer of 1945. It dealt with culture and literature, and sought to provide intellectuals who had just joined the party a place in which to hold debates. The journal's editor, the archaeologist Bianchi Bandinelli, proposed his own account of the transition from idealism to communism, as the way to build a new society. Since he did not follow Togliatti's guidelines, *Società* was often forced to change its intellectual and cultural direction. This journal, however, did not pay much attention to the US, and neither did *Il Risorgimento*, which lasted only a few months in 1945. But *Il Politecnico*, which appeared from 1945 to 1947, devoted considerable space to the US. This is not surprising, since in the second half of the 1930s its editor, Elio Vittorini, had been an enthusiastic student of American literature, which he had popularized in Italy through critical essays, translations of several novels, and the anthology *Americana*, first published in 1941. This explains why *Il Politecnico* presented a nuanced image of the US: while critical of the US as a capitalist power, the journal acknowledged its positive cultural, social, and political aspects. The very existence of *Il Politecnico* in the communist milieu at that time indicates that the PCI was both eager to present itself as a tolerant party, and to attract as much support as possible from outside the working class, in the "progressive" part of public opinion. Thus, it is not an accident that by the end of 1947, with the outbreak of the Cold War and one year after Vittorini and Togliatti had clashed about the relation between politics and culture, the journal ceased publication.[4]

Both the Stalinist and the Comintern leadership who had survived the

3. Nello Ajello, *Intellettuali e Pci* (Bari: Laterza, 1979), pp. 88ff.

4. See Marina Zancan, *Il Progetto "Politecnico." Cronaca e Strutture di una Rivista* (Venice: Marsilio Editore, 1984). In addition to the previously mentioned journals and newspapers, the PCI also published several other periodicals devoted to information, ideological orthodoxy, and propaganda. Since this article is concerned exclusively with the relation between the PCI and Italian public opinion, those periodicals will not be discussed. Yet, they were extremely relevant both in shaping the political perception of the US in communist milieus, and in directing propaganda efforts.

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1930 purges believed that capitalism and the emerging socialism were incompatible, thus prefiguring an inevitable clash between the two systems. Following the unexpected June 1941 Nazi invasion, the USSR had been forced to join the Western powers in the war against the common enemy, and to change its attitude toward those Anglo-American bastions of capitalism that overnight had turned into major allies. After the war, Stalin continued to regard US collaboration to be crucial for the USSR's recovery from the wartime devastation. This temporary cooperation had to be based on reciprocal respect for the spheres of influence accorded to each member of the victorious alliance at the Yalta conference. During that time, Stalin's strategy was to proceed with caution in order not to alarm his allies — especially in countries like Italy, which belonged to the Western sphere of influence — while consolidating the Soviet sphere.[5] This strategy was followed by local communist leaders. These friendly attitudes toward Western allies, however, did not change the basic premise of the incompatibility of socialism and capitalism that communist leaders considered fundamental in 20th century historical developments. During WWII, Stalin repeatedly stated that "The crisis of capitalism manifests itself in the division of capitalists into two fractions, fascist and democratic ones . . . Today we support one of these bourgeois fractions in its struggle against the other, but in the future we will also oppose this other fraction."[6] Stalin's prediction came through in 1947, with the breakdown of the anti-fascist alliance and the beginning of the Cold War. From then on, the communists could readily express their antagonism vis-à-vis the capitalist world, in what became an international confrontation between the two models of social organization.

Between 1945 and 1953, the Italian communist press followed the Soviet lead in depicting the US. While often shaped by tactical considerations, that depiction generally resulted from a profound and permanent hostility. The US was perceived as the most powerful imperialist country,

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5. On Stalin's policy in post-war Italy, see Victor Zaslavsky, "Aprile 1948, l'Insurrezione Mancata. La Politica Mediterranea di Stalin e i suoi Riflessi sull'Italia," in *Ventunesimo Secolo*, Vol. I, No. 1 (March 2002), pp. 9-44; Victor Zaslavsky, *Lo stalinismo e la sinistra italiana. Dal mito dell'Urss alla fine del comunismo, 1945-1991* (Milan: Mondadori, 2004).

6. Cited in Elena Aga Rossi and Victor Zaslavsky, "The Soviet Union and the Italian Communist Party, 1944-48," in Francesca Gori and Silvio Pons, eds., *The Soviet Union and Europe in the Cold War, 1943-53* (London: MacMillan, 1996), p. 161. See also Elena Aga Rossi and Victor Zaslavsky, *Togliatti e Stalin. Il Pci e la politica estera italiana negli archivi di Mosca* (Bologna: il Mulino, 1997).

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rabidly anti-communist, based on exploitation, incapable of producing real culture, and doomed to a fatal economic breakdown. The beginning of the Cold War, however, was a turning point. While before 1947 communist periodicals did not regard the US less of a capitalist country than it would be after, there was room for a positive assessment of some aspects of American reality such as its "progressive" political and social forces; its technological progress; and some currents in cinema and literature. The PCI policy of "progressive democracy," and communist attempts to broaden their popular appeal in post-fascist Italy required at least some openness, tolerance, and appreciation of American diversity — policies which the outbreak of the Cold War suppressed altogether.

Anti-Americanism, Old and New

Anti-Americanism in post-war Italy was shaped by two major antagonistic factors. On the one hand, Italy was freed from German occupation by the Anglo-American forces and assigned to the Western sphere of influence by the Yalta agreement; on the other, it had the largest and best organized communist party in Western Europe, which, as one of the major components of the international communist movement, openly defended Soviet foreign policy interests. In the context of the political polarization of Italian society, anti-Americanism was used as a tool in everyday political and ideological struggles. This communist anti-Americanism, however, did not come out of nowhere. In Italy, anti-Americanism as an ideology had had a long history, not only as part of the traditional European disdain of the new and "barbaric" world, but also as an expression of Catholic anti-capitalism. In the 1930s, it had been compounded by the fascist regime's anti-bourgeois and anti-American propaganda.[7]

Historically, fascist and communist anti-Americanism were both anti-capitalist and anti-liberal. The critique of the American way of life as materialistic and alienating, of the American economy as based on greed and exploitation, and of the American democracy as a fake — a smoke-screen hiding the corporations' overwhelming power behind the rhetoric of self-government — have always been the *leitmotifs* of every variety of

7. On Italian anti-Americanism both before and after the WWII, see Pier Paolo D'Attorre, ed., *Nemici per la pelle. Sogno americano e mito sovietico nell'Italia contemporanea* (Milan: Franco Angeli, 1991). On Italian anti-Americanism during fascism, see Michele Nacci, *L'anti-Americanismo in Italia negli anni Trenta* (Turin: Bollati Boringhieri, 1989); Pier Giorgio Zunino, *L'Ideologia del Fascismo* (Bologna: il Mulino, 1995), pp. 322-32; Pietro Cavallo, *Italiani in Guerra. Sentimenti e Immagini dal 1940 al 1943* (Bologna: il Mulino, 1997), pp. 186-212.

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Italian anti-Americanism.[8] No matter how different various revolutionary ideologies prefigured their visions of a desirable society, they all rejected capitalism and liberal democracy. Not surprisingly, a substantial number of fascist intellectuals, especially those who in the late 1930s had been active in fascist university organizations, felt no ideological qualms in joining the PCI after the collapse of Mussolini's regime. The same goes for the PCI leadership's special efforts to develop an entry policy for those important groups and to facilitate their joining the communist ranks.[9]

The PCI was aware that it had to stress the differences between its anti-Americanism and that of fascist propaganda. Especially in the immediate postwar years, communist propaganda made conscious efforts to avoid fascist slogans by, e.g., trying not to use the same terms. One of the main differences between fascist and communist anti-Americanism is in the latter's greater theoretical sophistication. The theory of imperialism as the last stage of the capitalist development provided a coherent framework to link all aspects of the anti-American tradition with a convincing account of unresolvable contradictions encountered by capitalism, while offering a universally attractive alternative project of social organization. The postwar international situation in which the US emerged not only as one of the two major superpowers, but also as the undisputed leader of the Western world, presented Italian communists with a unique opportunity for fomenting popular anti-American hostility. Following the Soviet lead, the communists concentrated their efforts on denouncing the US international role as an aggressive imperialist power set on destroying the USSR. Obviously, this aspect had been absent in fascist anti-American propaganda, since in the 1930s the US had followed an isolationist foreign policy toward Europe. Interpreting the US as a capitalist and imperialist country allowed the communists to present it as the true heir of fascism and Nazism. They could thus equate communism to anti-fascism — which in turn implied that any other form of anti-fascism was a fake, while anti-communists could only be fascists in

8. See Craveri and Quagliariello, eds., *L'antiamericanismo in Italia, op. cit.*; Massimo Teodori, *Maledetti americani. Destra, sinistra e cattolici: storia del pregiudizio antiamericano* (Milan: Mondadori, 2002).

9. See Paolo Spriano, *Storia del Partito Comunista Italiano*, Vol. III, "I fronti popolari, Stalin, la Guerra" (Turin: Einaudi, 1970), pp. 106-12 and 192-201; Sergio Bertelli, *Il gruppo. La formazione del gruppo dirigente del Pci, 1936-1948* (Milan: Rizzoli, 1980), pp. 230-7; Ajello, *Intellettuali e Pci*, *op. cit.*, pp. 27-34; Gaetano Quagliariello, "L'Associazionismo Giovanile e Studentesco: la "Rottura" degli Anni Trenta," in Angelo Varni, ed., *Il Mondo Giovanile in Italia tra Ottocento e Novecento* (Bologna: Il Mulino, 1998), pp. 192-8.

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disguise. In Italy, there was also a positive image of the US. It had been created by Italian emigration that, since the end of the 19th century, had brought to America millions of poor peasants. More recently, it had been revived by American aid during the Italian campaign and, later on, by the Marshall plan. The PCI had to take these opposite feelings into account, and create an alternative negative interpretation of American behavior toward Italy — one which transformed the US from a liberator into an occupier, from a generous donor into an economic imperialist.

The US as an Imperialist Power

Both in the USSR and in the Comintern, the communist leadership derived their general interpretation of the US, its history, present conditions, and future developments, from Lenin's theory of imperialism. After Marx, communists were convinced that in a capitalist regime economic power and resources were gradually going to fall into the hands of a few monopolists, while the great majority of the populace was doomed to pauperization. This process would prevent the internal market from absorbing the growing production, and launch an aggressive foreign policy aimed at conquering new markets abroad. Sooner or later, this policy was bound to exhaust itself, either in other capitalist countries, or in communism, thus unleashing the final crisis of capitalism.

Lenin's theory of imperialism shaped the long-term communist perception of the capitalist world and remained prominent in the communist mind during wartime and the immediate post-war period. Following the Soviet strategy of preserving the anti-fascist alliance, between 1944 and 1946 Italian communist periodicals were careful in dealing with the US, above all with its foreign policy. While they explicitly denounced everything negative in capitalism, they could not interpret the US as an integrally imperialist country. To do so would have made it impossible to explain why it participated in the anti-fascist struggle, along with the leading "democratic" power. Thus, they chose to recognize both progressive and reactionary forces in American politics, while criticizing the latter and supporting the former.[10] The main enemies of democracy were readily identified as great monopoly capitalists such as Hearst, "one of the purest figures of world fascism," "more diabolical than Goebbels." Subtler analyses also stressed the importance of the North-South divide: the Southern states were almost one-party states dominated by the

10. On the PCI and the "other" America during the years 1945-47, see P. McCarthy, "America: l'Altro Mito della Cultura Comunista," in D'Attorre, ed., *Nemici per la Pelle*, *op. cit.*, pp. 217-34.

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most conservative fringes of the Democratic party.[11] At the national level, Southern Democrats coalesced with Republicans in order to stop or contain the ambitions of Northern Democrats.[12]

Both at the grassroots and in the political élite, however, those reactionaries were confronted by sincere democratic and progressive forces. Few articles presented the US as a country of immigrants, pioneers, humble workers seeking to build a better world. Beginning in November 1945, *Il Politecnico* started publishing in instalments a history of the US written from this perspective and illustrated with Diego Rivera's paintings.[13] Several articles, tales and poems were devoted to the various organizations of American workers: their history and present conditions, their political positions and decisions, and, most of all, the battles they waged to free themselves from exploitation. But communist publications also acknowledged progressive trends within the American political élite. They were especially favorable to Roosevelt, whose domestic and foreign policy they praised. Several articles carefully analyzed the New Deal's main public programs, describing them as important steps toward a state-controlled economy and as examples for European countries. Obviously, Roosevelt's friendly attitude toward the USSR and his stark opposition to fascism was cherished and regarded as the right way to manage international affairs.[14] This positive image would re-emerge occasionally, even after 1947.[15]

Although designated as a capitalist country, before 1947 the communist

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11. See S. Terra, "Rosebud per il Cittadino Kane," in *Il Politecnico* (March 23, 1946); W. Foster, "Pericolo Fascista in America," in *Il Politecnico* (September 29, 1945). See also "Generali e Ammiragli alla Ribalta Politica Americana," in *L'Unità* (August 29, 1946); "Wallace Costretto a Presentare le Dimissioni," in *L'Unità* (September 21, 1946); "La Destra Americana dà Battaglia per il Ripudio degli Impegni di Potsdam," in *L'Unità* (December 31, 1946); Paolo Alatri, "La Lotta Politica negli Stati Uniti," in *Rinascita* (May-June 1946).

12. Ugo Stille, "Le Catene del 'Solido' Sud," in *Il Politecnico* (May 1, 1946); Alatri, "La lotta politica negli Stati Uniti," *op. cit.*

13. See *Il Politecnico* (November 1945) and subsequent issues. See also "Attualità Cinematografica," in *Il Politecnico* (March 23, 1946): "Our America is the country of those who have fought against every form of fascism, and not in order to substitute one imperialism with another"; Clifford Odets, "Perché Lefty non Arriva?" in *Il Politecnico* (March 30, 1946); L. Cavallo, "Sindacalismo e Politica Operaia in US," in *Il Politecnico* (January-March 1947); W. G., "I Lavoratori Americani e le Promesse di Roosevelt," in *L'Unità* (November 10, 1945); "Il Capitalismo Americano mette il Bavaglio ai Lavoratori," in *L'Unità* (June 4, 1946).

14. See R.C., "T.V.A. Vittoria Democratica," in *Il Politecnico* (November 10, 1945); R. Ferrari, "L'Elettrificazione Rurale negli Stati Uniti," in *Il Politecnico* (February 23, 1946); Alatri, *La lotta Politica negli Stati Uniti*, *op. cit.*

15. See Gabriele De Rosa, "Primo Bilancio della Guerra Fredda," in *Rinascita* (Feb. 1949), pp. 61-3.

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press did not identify the US as a capitalism-dominated monolith. It was seen as a battleground, where reactionary forces were confronted by the champions of progressivism: Roosevelt's heirs on the upper levels of the political hierarchy, the workers' movement on the lower. The confrontation concerned domestic as well as international politics: democracy, social and civil rights, public control of the US economy, peace and cooperation. Those who wrote for communist periodicals did not indicate that the outcome of the struggle was predetermined — as a rigorous application of Lenin's theory of imperialism would imply. On the contrary, they seemed to think that, however difficult their conditions, progressives could have taken the lead.

Gradually, but swiftly, this situation changed in 1947.[16] Confronted with the weakening, and then the end of the anti-fascist alliance, and with the outbreak of the Cold War, Italian communist periodicals began to denounce the prevalence of imperialist forces in American politics, and to blame the US for refusing to collaborate with the USSR, thus jeopardizing world peace. Since the representatives of monopoly capitalism had seized power, and the struggle between reactionaries and progressives was over, there was no reason why the US should still be considered a battleground. Thus the US was completely squeezed within the framework of Lenin's theory of imperialism; the communist press began repeating the main tenets of that theory, defending it with figures, examples and rhetorical devices, drawing all its consequences, and applying it to any political, social, economic, and cultural aspect of American life.

Interwar American history was re-written in order to demonstrate that imperialist capitalism was soon to meet its final breakdown. Obviously, the starting point of this interpretation was 1929, considered by Marxist- Leninists as the point when it became clear that capitalist economies did not just work in cycles, but had structural problems which they were unable to solve. Whereas during the Cold War there were occasional positive assessments of Roosevelt's international policy as contraposed to the US's allegedly aggressive and imperialist attitude in the late 1940s, after 1947 the New Deal's economic policies were no longer considered progressive means for confronting the 1929 crisis. Communist periodicals maintained that it was mainly WWII that helped the US out of economic troubles, providing an outlet for its overproduction. While delaying capitalist collapse, however, the conflict also caused a further concentration of American capital,

16. See Mc Carthy, "America," *op. cit.*, pp. 224-7.

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thereby paving the way for an even more serious economic crisis. In order to delay that crisis and to recover the markets they were losing to communism, the US was forced to become aggressive once again by breaking up the anti-fascist alliance, promoting the Truman doctrine, the Marshall Plan, NATO, and opening a new conflict in Korea. As it had happened in 1939-45, those "solutions" were bound to worsen capitalist contradictions, to accelerate its collapse, and to bring about the triumph of "democracy."[17]

American Foreign Policy and Italy

During the last two years of the war, the Italian communist leadership found itself in an ambiguous position. On the one hand, Italian public opinion saw the Anglo-Americans as liberators; on the other, long before that date, the communist élite had accepted the Manichean division of the world into two blocs, as explicitly theorized by Zhdanov in 1947. When, in the Winter of 1943-44, the Allied services invited the PCI to work with them, the party asked Moscow whether communists should "collaborate with the Anglo-American headquarters and the Anglo-American services, allowing the Allied military authorities to use their men." An indicative answer came from Moscow, most likely written by Togliatti and Dimitrov: "communists cannot explicitly refuse to collaborate with the Anglo-American command for any action beyond the front line. However, they must limit their collaboration to a minimum, and, above all, they must adopt any possible measure to prevent Anglo-American intelligence agents from infiltrating the party and its clandestine sections."[18] These directives had to be translated and publicized among the masses by the press and other party propaganda organs. The problems with this ambiguous PCI attitude toward the "allied enemy" become clear when examining how the communist press depicted the Italian campaign and the respective roles played by the Allies and the Resistence movement — and how this account changed over time.

In 1944 and 1945, *L'Unità* published detailed reports[19] enthusiastically

17. See G. Berti, "Le Contraddizioni e la Crisi dell'Imperialismo Americano," in *Rinascita* (August-September 1949), pp. 363-8; Bruzio Manzocchi, "L'Economia Americana nel Dopoguerra," in *Rinascita* (May 1951), pp. 259-64.

18. Quoted in Mikhail Narinski, "Togliatti, Stalin i 'Povorot v Salerno'," in O. Rzheshevsky, ed., *Vtoraia Mirovaia Vojna. Aktualnye Problemy* (Nauka, 1995), pp. 128-9.

19. See "I Vittoriosi Eserciti Alleati Inseguono i Tedeschi in Fuga," in *L'Unità* (June 6, 1944); "Il Po Varcato dalla V Armata," in *L'Unità* (April 25, 1945). The communist newspaper's positive attitude towards the US can also be seen in articles dealing with non-military topics, such as "Italia e America," in *L'Unità* (October 12, 1944). See also the pages devoted to Roosevelt's re-election, on November 9, 1944, and to the President's death, on April 13, 1945.

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praising Anglo-American military successes. A journal such as *Rinascita,* however, which was not a newspaper and thus not obliged to describe day-by-day events, ignored the Italian campaign. During the last months of the conflict, communist periodicals began criticizing Anglo-American political and military behavior in Italy, comparing it unfavorably with Soviet policies toward East European countries. While the Allies had not been eager to help Italians contributing independently to the fighting, and had not respected the country's independence, the USSR had allegedly taken local needs and wishes into careful consideration in the countries it had liberated. Thus, the communist press could argue that the USSR was the true defender of national self-determination and, consequently, that the Italian communists were the real "patriots."[20]

With the outbreak of the Cold War, these arguments gained much more prominence in communist periodicals. On the one hand, they followed Lenin's theory of imperialism: being forced to conquer and control new markets for its own survival, capitalism was obviously the main enemy of national freedom and autonomy. On the other hand, they were instrumental in confronting the theses of anti-communist propaganda. Criticized for their dependence on a foreign power, and forced to trample the difficult ground of national values, the communists found it all too easy to deploy their critics' criticism.[21] The communists' concern with demonstrating their patriotism indicates that, after 1945, the idea of "fatherland" in Italy was far from dead,[22] and that it was therefore dangerous for a political movement to avoid it.

The communists' keyword for condemning relations between the US and Italy or, more generally, American foreign policy, was "cosmopolitanism." It was the evil twin of communist internationalism. Cosmopolitan was any kind of supranational organization not rooted in a sincere popular desire to collaborate peacefully, but seeking to satisfy the sinister needs of monopoly capitalism. Communist periodicals saw the inclusion

20. See "Per la Nostra Indipendenza," in *Rinascita* (May-June 1945); "Il Patriottismo dei Comunisti," in *Rinascita* (July-Aug. 1945). See also Riccardo Longone's articles, "Quanto ci Costa l'Occupazione Alleata," in *L'Unità* (September 3, 6, and October 13, 1946).

21. See "Italia Atlantica," in *Rinascita* (June 1949), pp. 97-100; Valentino Gerratana, "La Questione Nazionale," in *Rinascita* (January 1951), pp. 49-53; Renato Mieli, "Politica Atlantica e governo di pace," in *Rinascita* (April 1951), pp. 179-85; Roberto Battaglia, "Esame della condotta di guerra degli angloamericani in Italia," part I, in *Rinascita* (September 1952), pp. 496-502; part II (October 1952), pp. 552-8.

22. See Ernesto Galli della Loggia, *La Morte della Patria: la Crisi dell'Idea di Nazione tra Resistenza, anti-Fascismo e Repubblica* (Bari: Laterza, 1996).

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or exclusion of the USSR in these organizations as the criterion for distinguishing international from cosmopolitan initiatives. Closely related to imperialism, cosmopolitanism was firmly opposed to any form of real national independence and self-determination which could hinder the interests of monopoly producers. Conversely, communist internationalism was respectful of popular wishes and needs as they emerged in various countries, and communists were the real patriots.[23]

In 1951, Gerratana sought to develop the ideological consequences of this theory.[24] Following Lenin and Stalin, he provided a complex, three-layered account of the relation between class and nation. Although bourgeois in character, 19th century struggles for national independence still had progressive content. Thus, the proletariat could cooperate with the bourgeoisie in promoting the national idea, even though, at the same time, it should never stop pursuing its class interests. Later on, in the age of imperialism, the bourgeois and the proletarian path diverged. The former became cosmopolitan, while at the same time exploiting an aggressive kind of nationalist ideology in order to split the international workers' movement. Thus, the latter became the real defender of the fatherland, both because it opposed imperialist capitalism and, to the extent that it represented the vast majority of the populace, it coincided de facto with the nation. At that point, the communists could once again overcome class barriers and seek the co-operation of any political movement, individual, or social stratum seeking to "defend national interests, national independence and sovereignty, which are today essential in the fight for peace." While at the beginning of this process the proletariat participated in a bourgeois, but progressive movement, at the end any middle-class "patriot" eager to fight against cosmopolitan imperialism would join in an essentially proletarian struggle. This proletarian kind of nation would then survive even after the advent of communism, which would not cancel national identities and differences.

The propaganda strategy meant to demonstrate that the US was opposed to Italian welfare and independence clashed with the popular image of Americans as those who had defeated fascism and liberated Italy from the Germans. In their periodicals, the communists were therefore obliged to devote some efforts to developing their interpretation of pre-war world history, and of wartime Italian events. Thus, they described

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23. See "Il Patriottismo dei Comunisti," *op. cit.*; Gerratana, "La Questione," *op. cit.* See also Stephen Gundle, *Between Hollywood and Moscow: The Italian Communists and the Challenge of Mass Culture, 1943-1991* (Durham, NC: Duke University Press, 2000), p. 120.

24. Gerratana, "La Questione," *op. cit.*

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Roosevelt's fight against fascism as having genuine ideological roots and seeking to defend and spread democracy, while his opponents saw the war as an imperialist enterprise promoting national interests and safeguarding fascism as a bulwark against communism. Capitalist countries' foreign policy in the second half of the 1930s was seen as a clear demonstration of their wavering commitment to the anti-fascist struggle. Later on, during the war, the two political "souls" of the US were still fighting against each other, and this struggle explained the vagaries and inconsistencies of American military and foreign policy.

Similarly, the communist press presented the Allies' contribution to the liberation of Italy as mixed in nature, and partly linked to their national interests. Thus, the English sought to destroy Italian power in the Mediterranean, and for this reason helped the Yugoslavs. Consequently, "plans for the Sicilian invasion were laid down as they would be, not for a war of liberation which would take oppressed peoples into account, but for an ordinary war." In addition to emphasizing the imperialist character of the Anglo-American campaign in Italy, the communists also argued that the Allies had contributed little to the country's liberation. While the allied armies were fighting a slow war meant to exhaust the Germans, the Italian resistance movement — although hampered by the Allies — took the lead, gave the conflict a real democratic character, and often expelled the enemy on its own, leaving the Anglo-Americans with "clean" areas they could safely occupy. This criticism of the nature and extent of the Italian campaign also had a positive side: "we can say that any democratic initiative in the Italian sector was promoted by the socialist state [the USSR]."[25]

Needless to say, their firm opposition to any form of "cosmopolitanism" led the communists to criticize all proposals for international cooperation confined to the Western world, and to argue that Italy should carefully avoid joining any such organization. Communist periodicals were careful not to deny that Italy was in need of financial aid for its reconstruction. But allegedly the Marshall Plan did not do that: it was an instrument of imperialism, meant to solve American problems of overproduction and to harness Italian politics and economy to the capitalist yoke.[26] NATO

25. See Battaglia, "Esame della Condotta di Guerra degli Angloamericani in Italia," Part I and II, *op. cit.*, pp. 498, 499 and 554.

26. See "Il Piano Marshall," in *Rinascita* (June 1947), pp. 137-9; "Dopo il Dibattito sul 'Piano Marshall'," in *Rinascita* (June 1947) pp. 236-7. *L'Unità* suggested that the Marshall plan was aggressive and military in nature: "Truman Minaccia la Guerra ai Popoli che Amano la Pace. Coscrizione Obbligatoria in America per Azionare il Piano Marshall," in *L'Unità* (March 18, 1948).

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was not any better: it was the quintessential product of cosmopolitanism — clear proof of the troubled state of the American economy and of American aggressive intentions toward the USSR. Communist propaganda emphasized the fact that the hierarchical structure of NATO implied the voluntary renunciation of certain sovereignty rights by each member.[27] The theme of the American superpower trampling Italian sovereignty became the permanent feature of communist propaganda. Proposals for European integration put forth in the late 1940s also met communist hostility. The communist press took pains to advocate any kind of "real" international co-operation which could foster universal peace and keep nationalism away. Any notion of European co-operation focusing only on Western Europe, however, was seen as a kind of "Europe without Europe" — a clever means by which the "most subtle propagandists" hid their real intentions: to break international cooperation and deploy an aggressive policy toward the Soviet Union, on behalf of imperialist capitalism.[28]

US Domestic Policies: the Consequences of Imperialist Capitalism

In a 1945 article, Sokolov stressed the radical difference between Soviet and Anglo-Saxon notions of democracy, but argued that they were both democracies, because "today democratic is he who fights resolutely, coherently and ruthlessly against fascism."[29] After the onset of the Cold War, the communist press stopped considering the Anglo-Saxon "version" of democracy to be democracy at all. American institutions were not even "formally" democratic, because in several Southern states the suffrage was far from universal and electoral turnout was very low. As for "substantial" democracy, the US fared much worse: the communist press was explicit in stating that American politics was dominated by the capitalists, and that elections were therefore a farce. As Togliatti put it in 1951: "This is why it is a mockery to call the US regime democratic: it is a regime which is essentially based on the unlimited freedom of great plutocrats, allows them to control all of public life and public opinion, does not know real and free party strife, and even parliamentary life is a

27. See "Italia Atlantica," in *Rinascita* (March 1949), pp. 97-100; Mauro Scoccimarro, "Un Patto di Guerra," in *Rinascita* (April 1949), pp. 145-9; Mieli, "Politica Atlantica," *op. cit.*

28. See Antonio Giolitti, "Federazione Europea," in *Risorgimento* (July 1945); Palmiro Togliatti, "Federalismo Europeo?," in *Rinascita* (November 1948), pp. 377-80; "Italia Atlantica," *op. cit.*

29. Sokolov, "La Democrazia Europea nel Giudizio Sovietico," in *Rinascita* (May-June 1945), p. 141.

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mere shadow of itself."[30] Two years earlier, Giuseppe Berti had documented this very same idea. He carefully examined the personal background of several American politicians, in order to demonstrate that "Ministers, diplomats, the entire US ruling personnel has been chosen directly from among great bankers and great captains of industry . . . people who have nothing to do with the real wishes and interests of the American people."[31] According to the communist press, in the US civil liberties and justice did not fare any better than representative institutions, because of the general situation and anti-communist policies. It also emphasized how racist the US was toward blacks both within its boundaries, as well as in its international policy — racism being the inevitable ideological background of aggressive imperialism.[32]

Before the Cold War, America was seen as overlapping with the positive myth of modernity. In these instances, the US was almost the USSR's twin: young countries which, unlike the aged and static Western European nations, were building a brave new world of technological progress.[33] After 1947, the communist press stopped acknowledging that the US exhibited any positive features, even as far as technological, scientific and productive progress was concerned. The communist and the capitalist brands of modernity were now seen as antithetical models — virtuous the

30. Palmiro Togliatti, "L'Umanità al Bivio," in *Rinascita* (November 1951), pp. 499-500.

31. Giuseppe Berti, "Le Contraddizioni e la Crisi dell'Imperialismo Americano," *op. cit.*, p. 365. See also "Gli Elettori Negri Minacciati di Morte," in *L'Unità* (February 27, 1948); Ambrogio Donini, "Le Elezioni Americane," in *L'Unità* (November 2, 1948); L. Montesi, "Il Giorno dei Morti per Truman," in *L'Unità* (November 3, 1948).

32. See Gianfranco Corsini, "L'Assassinio di Willie McGee," in *Rinascita* (May 1951), pp. 242-4; Gianfranco Corsini, "Un Nuovo Delitto della 'Giustizia' Americana," in *Rinascita* (October 1952), pp. 546-8; Gianfranco Corsini, "Un Delitto della Barbarie Americana," in *Rinascita* (June 1953), pp. 361-7; D. R. Burns, "'Uno!' la Voce Ordinò, e la Frusta Lacerò l'Aria," in *L'Unità* (March 6, 1948).

33. See Ilya Ehrenburg's articles in *L'Unità* (July 21, 1946; August 18, 1946; August 22, 1946; September 1, 1946; September 5, 1946). An article published August 18, 1946 was entitled "Non Potete Capirci Niente se Dimenticate che è un Paese Giovane"; see also Italo Calvino, "Petrov e Ilf in America," in *L'Unità* (March 23, 1946): "two young civilizations, competing and opposed but ultimately tending to identify with each other in an inevitable reciprocal evolution of technical experiences on the one side, social on the other." The heading beside the photographs of New York in the June 1946 issue of *Il Politecnico* is surprisingly enthusiastic: "To us, New York is the natural image of a Babel which has been victoriously finished, and completed. The builders . . . will learn how to understand each other, and will raise the tower up to its last floor. And they will cover it, so that they can inhabit it, sheltered once and for all from lightning and fears." See "Le Città del Mondo: New York," in *Il Politecnico* (June 1, 1946).

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former, vicious the latter.[34] The American economy was presented as permanently verging on its final crisis. At the domestic level, this last stage of capitalism was characterized by the populace's general impoverishment. Communist periodicals were eager to show that this was actually happening, and were very liberal in their use of figures. A 1951 article claimed that after the war more than two million Americans were unemployed, real wages were dramatically decreasing, and, surprisingly, that 73,4% of American families did not have a minimum living standard.[35] The American economy's low performance was often contrasted with the USSR's exceptional growth, both in production and in raising the standards of living. The comparison between the socialist and capitalist economies, however, was also extended to a qualitative, not merely quantitative, notion of welfare. In this case, American workers were not merely poor, but also exploited and alienated, while the Taylorist organization of production had been substitued by Stakanovism, which "broke the rigid barriers between thought and action, science and work, direction and execution."[36]

A 1947 article entitled "God, and the Dollar" is a propaganda masterpiece meant to convince readers of the irreconcilable nature of the US and Christianity. The article's ideological backbone is clear. American society, the "heart of the capitalist jungle," is based on greed, exploitation, materialism, and the ruthless pursuit of wealth. Therefore, it has nothing to do with the principles of the Gospel. The anonymous author attempts to prove his point by striking deep Catholic chords: capitalism is the product of Protestantism; in Catholic countries, it has been promoted by the Masonic lodges (and Truman is a prominent Free-Mason); racist capitalists will "organize a trade of white women and extremely luxurious prostitution, helped by the powerful industry of entertainment and of flashy magazines." The unsurprising conclusion is that the USSR is the real

34. On communism as an alternative path to modernity see Pier Paolo D'Attorre, "Sogno Americano e Mito Sovietico nell'Italia Contemporanea," in D'Attorre, ed., *Nemici per la Pelle*, *op. cit.*, pp. 15-68; Sandro Bellassai, *La Morale Comunista. Pubblico e Privato nella Rappresentazione del PCI (1947-1956)* (Rome: Carocci, 2000), pp. 164-79.

35. Manzocchi, "L'Economia Americana nel Dopoguerra," *op. cit.*, p. 261; see also Berti, "Le Contraddizioni e la Crisi dell'Imperialismo Americano," *op. cit.*; E. Varga, "La Crisi Americana e il Piano Marshall," in *L'Unità* (August 21, 1947); E. Varga, "La Crisi Aamericana," in *L'Unità* (September 28, 1947).

36. See for instance Vittorio Foa, "L'Uomo Creatore nell'Economia Sovietica," in *Rinascita* (Februari 1951), pp. 96-100; Paolo Robotti, "Civiltà Socialista in Ascesa, Economia Americana in Decadenza," in *Rinascita* (May 1951), pp. 255-9; Vittorio Foa, "Stakanovismo e Taylorismo: Due Opposti," in *Rinascita* (June 1952), p. 366; S. Kaftanov, "Scuola Sovietica e Scuola Americana," in *L'Unità* (June 4, 1948).

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Christian country, where two-hundred millions people live according to the values of fraternity and solidarity preached in the Gospel.[37]

In 1945-1946, the communist press' relative ideological freedom also permeated the pages devoted to culture and literature. Here, once again, *Il Politecnico* stood out. It not only published poems, tales, and short plays by American authors who praised the American working class in its struggle against capitalism, but also the works of black poets, describing their life. In its first issue in September 1945, it published instalments of Ernest Hemingway's novel *For Whom the Bell Tolls*. Hemingway was seen as an anti-fascist advocating the USSR's progressive democracy. Although *Il Politecnico* carefully selected those American writers who were ideologically acceptable, its editor and collaborators were truly interested in American culture and did not merely banalize its image.[38]

The Cold War meant the disappearance of any real interest in American culture. The condemnation of imperialism was extended to American art since, unsurprisingly, "the evaluation of a writer's artistic sincerity depends on his political personality."[39] One of Cesare Pavese's 1947 articles is probably the most telling sign of this political transformation. He explained why American literature no longer had the same appeal for Italians as before the war. During fascism, Italian writers had found American books dealing with the universal drama of modernity, which, with their violence and sincerity, had reinvigorated the stagnant cultural atmosphere of Mussolini's regime. After the war, American literature could no longer perform that same function, and this was clearly connected to "the end, or suspension, of its anti-fascist struggle."[40]

In 1951, Edoardo Oddis reached the inevitable conclusion. He pointed out how in the US monopoly capitalism and the market had destroyed literature by forcing writers to distance themselves from the American people's "soul." This state of affairs had deteriorated during the 1940s, when the economic and social struggle had reached its zenith. Unable to "hold forth

37. See "Dio e il Dollaro," *op. cit.*, pp. 213-4.

38. See also "È Veramente Morto il Cinema Americano?," in *L'Unità* (April 28, 1946); Ilya Ehrenburg, "Ku Klux Klan. Setta Infame-Terrore del Negro," in *ibid.* (August 22, 1946).

39. Edoardo Oddis, "Alcune Considerazioni sulla Letteratura Americana," in *Rinascita* (July 1951), p. 369.

40. Cesare Pavese, "Noi e l'America," in *L'Unità* (August 10, 1947): "Without a fascism to oppose, without the historically progressive thinking it should embody, even America — however numerous the skyscrapers, cars and soldiers it produces — will never be the vanguard of any culture. On the contrary, without progressive thinking and progressive struggle, it risks falling into some form of fascism, even if in the name of its best traditions."

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the flag of the people's freedom," war literature was "racist in its substance and cosmopolitan in its form," while other literary forms were subtly and deceivingly seeking to distract people from identifying the real causes of their discontent.[41] A few months later, in an article significantly entitled "The Culture of Comics," Corsini was even blunter: the capitalists were hostile to culture, because it was not profitable and they consciously sought to prevent ideas from reaching the broader public. "Clearly, culture . . . is the most dangerous weapon for the emancipation of the masses, and the American ruling class destroys it, stifles it with the weight of its economic machine, preventing it from living and from yielding its fruits."[42]

The US as a Fascist Power

The communist press reinforced the negative image of the US as an aggressive imperialist country by comparing it, implicitly or explicitly, with Nazi Germany. This was the most relevant and frequent device used by the communists in their denunciation of the US.[43] It also comes as no surprise. Since they were both political expressions of capitalism, in Marxist- Leninist thought fascist dictatorship and liberal democracy were one and the same. Similarly, it is common in political propaganda to attack the present enemy by comparing it with the past one. Thus, the communist parallel between the US and Germany mirrors the anti-communist parallel between fascist regimes and the USSR. In other words, the actual Cold War was supplemented by an ideological one, in

41. According to Oddis: "A great and hardworking, gifted and naive people such as the American people made of so many nationalities, speaking with a hundred foreign accents, following a thousand customs of other countries, must still write its true history, that of the obscure pioneers of progress, of the Negroes who are discriminated against, of ridiculed Italians, of all those who emigrated to that land." This history will be written, "when the deep contradiction of monopoly imperialism is healed, when the aberrations of the society of selfishness are corrected in the equality of all." See Oddis, "Alcune Considerazioni sulla Letteratura Americana," *op. cit.*, pp. 369-370.

42. Gianfranco Corsini, "Cultura a fumetti," in *Rinascita* (February 1952), pp. 109-10. See also S. Canzio, "Il Romanzo Giallo Specchio dell'America," in *L'Unità* (May 12, 1950); D. P., "Pecos Bill Minaccia l'Esistenza dei Nostri Figli," in *L'Unità* (April 19, 1951). In 1946 and 1947, however, both *Il Politecnico* and *L'Unità* published American comic strips: "Popey" appeared in *Il Politecnico* (July-August 1946); "Barnaby" in *Il Politecnico* (October and November 1947); "Blondie and Dagwood" in *L'Unità* (May 29, 1947).

43. Se Vittorio Strada, "Stalinismo ed eurostalinismo. Cultura e politica fra Roma e Mosca (1945-1956)," in *Ventunesimo Secolo*, Vol. II, No. 3 (March 2003), pp. 191-220; Ernesto Galli della Loggia, "*La perpetuazione del fascismo e della sua minaccia com elemento strutturale della lotta politica nell'Italia contemporanea*," in Loreto Di Nucci and Ernesto Galli della Loggia, *Due nazioni. Legittimazione e delegittimazione nella storia dell'Italia contemporanea* (Bologna: Il Mulino, 2003).

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which the former was seen as an extention of the struggle against the Third Reich, while both the Eastern and the Western sides claimed that they were the real heirs of the winning coalition.

Before 1947, the communist press branded only some sectors of the American political establishment as fascist. During the Cold War, all of the US's international policy was interpreted as a continuation of Hitler's strategy. American capitalism's attempts to gain economic and political control of the whole world was seen as a perfect reproduction of what the Third Reich had tried, and for exactly the same reasons.[44] Moreover, American fascist behavior on the international level had internal repercussions: "That the American policy in Europe is leading to fascism can be no surprise to those who already know how the big trusts and their politicians are trying to lead the US into fascism: by attacking Jews and Negroes, by trying to outlaw the Communist Party, by seeking to destroy unions."[45] The communist press also regarded American anti-communism and that of its European friends as a clear sign of their closeness to the fascist past. In a 1949 issue of *Rinascita* it is claimed that: "After more than ten years" the bourgeoisie "comes back to the fascists' — and Hitler's — scheme of the Anti-Comintern Pact," i.e., the military bloc and the war organized for class purposes. The principle is the same, the rationale is the same, the action is the same."[46] It is striking how often this comparison emphasizing the closeness of the US, the Western bloc, and fascism, emerged, either incidentally or explicitly, in the communist press.[47] It was both an ideological commonplace and a useful propaganda device to be reiterated as much as possible.

Conclusions

The communists saw the US through thick ideological lenses, and had a very negative understanding of American reality. In the years 1945-46,

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44. See "Italia Atlantica," *op. cit.*; Scoccimarro, "Un Patto di Guerra," *op. cit.*; Togliatti, "L'Umanità al Bivio," *op. cit.*; Renato Mieli, "Crisi Americana," in *L'Unità* (January 18, 1948).

45. W. Z. Foster, "La Politica Europea degli Stati Uniti," in *Rinascita* (September 1947), pp. 236-9.

46. "Italia Atlantica," *op. cit.*, p. 99. In 1951, Togliatti added: "What Hitler used to say, mister Acheson is repeating today. . . . They are all reunited in the anti-Soviet front, Truman and the Pope, dictator Franco and the leaders of the Labour party . . . the liberal philosopher and the fascist criminal. . . . They have lost any sense of humanity: they are factious and unbound lunatics." See Togliatti, "L'Umanità al Bivio," *op. cit.*, pp. 497-8.

47. See articles such as: "Anche Hitler Parlò Come Truman," in *L'Unità* (March 15, 1947); "Da Ludendorff a Harry Truman," in *L'Unità* (November 13, 1947); "L'OVRA di Truman Predispone Arresti in Massa di Comunisti," in *L'Unità* (November 19, 1947); "Hitler Fece Come Clay," in *L'Unità* (December 9, 1948).

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the prolongation of the anti-fascist alliance and the attempt to broaden the PCI's political, social, and cultural appeal led the Italian communist press to mitigate this ideological condemnation. This was achieved by acknowledging that there were progressive forces in the US, by stressing its positive aspects as a modern country, and often by remaining silent. With the outbreak of the Cold War, the reasons why communists should restrain their anti-Americanism disappeared altogether. The new climate of radical confrontation between the two blocs facilitated a shift of emphasis to their ideological convictions, using them to project a consistent negative picture of the US. Since 1947, in communist periodicals, American reality disappeared behind a sharp, Manichean distinction between good and evil, with the US playing the role of the chief villain. Articles dealing with the US became repetitive and predictable, betraying their propaganda aims. In the late 1940s and early 1950s Italian context, however, communist anti-American propaganda was extremely effective.

The perseverance and redundancy of the communist press in dealing with the US was a conscious propaganda strategy. Readers of *L'Unità* or *Rinascita* could find detailed explanations of the theoretical foundation of Marxism-Leninism and, above all, how they explained any event or peculiarity of American history. Thus, figures concerning production or poverty — or how many American politicians, and which, were involved in economic enterprises — were cleverly used to provide the ideology with an empirical basis and to shield it from refutations. Marxism-Leninism explained any event in the real world, while real events substantiated ideological propositions in an ironclad logical circle. Condemnations of the US were often matched with detailed eulogies of the USSR, so as to contrapose the faults and vices of the capitalist world with their positive counterparts.

Another feature of communists propaganda was their tireless attempt to take advantage of concepts with a positive resonance, such as "fatherland," while at the same time demeaning their opponents with words which the Italian public generally perceived as negative, such as "fascist." This ideological effort fit in perfectly with the communists' political strategy of preventing the PCI from being marginalized in a social and cultural ghetto. In order to do this, the communists presented themselves as the real defenders of the fatherland, thus refuting the dangerous accusation of being antinational, and appealing to those patriotic sectors of the middle classes which, because of their fascist past, were unhappy of the Italian subordination to the Allies. The communist

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press also argued that American capitalism was incompatible with Catholicism, thus appealing to deeply-rooted Italian values in order to reinforce its condemnation of its adversary. Last but not least, communist periodicals were obstinate and peremptory in stressing the "fascist" nature of the US and its allies: a propaganda strategy meant to exploit the war's ideological, cultural, and political legacy, and to convey the idea that communism and anti-fascism were in fact one and the same.

Authors who wrote about the US in the communist press were also chosen according to propaganda needs. In 1945 and 1946, communist periodicals hosted several "progressive" intellectuals (Vittorio Foa, Gabriele de Rosa or Paolo Alatri) while heterodox communists ready to acknowledge the positive features of the US, such as Vittorini, were given a lot of latitude. They also used American authors to criticize the US. Progressive writers and poets, American communist party leaders, actors and actresses favorably disposed toward communism made perfect propagandists, because they were supposedly acquainted with the American situation and could not be considered prejudicially hostile to the US. Even articles written by Italians often used American sources, and for the same reasons.

Communist anti-American propaganda was also reinforced by its reliance on the fascist anti-American legacy, on a widespread Catholic distrust of individualism and capitalism, on the Italian population's scarce first-hand knowledge of American reality, and on an almost total ignorance of Soviet conditions. Relying on these resources, communist propaganda succeeded in presenting a coherent and convincing interpretation of recent historical events: from the Great Depression to the policy of appeasement toward Nazi Germany, from the vehement anti-communism of the American government to its entire foreign policy in the postwar period, from the Marshall Plan to the Korean war. Moreover, communist propagandists felt that the lofty goal of building a socialist society justified their use of all possibile means, from simple exaggerations to conscious fabrications, to outright lies. This is only one apparently paradoxical case of intense ideological Machiavellianism, which strengthened and legtimated the clearly deformed image of the US disseminated by communist periodicals. Bearing all this in mind, it comes as no surprise that in the second half of the 1980s, just before the collapse of the Soviet Empire, a survey among PCI militants documented their lingering distrust of and revulsion toward American society. Even today, anti-Americanism remains part of Italian political culture, particularly in left-wing parties and public opinion.

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Notes and Commentaries:

The Theory of the Partisan Today

Teodoro Klitsche de la Grange

I

In the closing pages of the "The Theory of the Partisan (1963),"[1] Schmitt seemed sure about two things and unsure about another — all interconnected. What was certain was that, at the beginning, no one had any idea that an irregular war, of which the partisan is the typical figure, could have contributed to making the conflict more cruel and its consequences worse. What seemed doubtful was that in the future a technologized and "regulated" world could have suppressed or limited the hostile feelings embodied first and foremost by the partisan. Schmitt claimed that the evolution of the partisan and of irregular wars from the 18th to the 20th century (i.e., from the "Real Christian Army"[2] to Mao Tse-tung), resulted in the transformation of the *real* enemy into a *foe*, and of irregular wars into even more radical types of emnity. With appeals to higher values, "who can prevent that in an analogous way, but to an infinitely greater extent, new and unexpected types of enmity can come into being, which will bring about new kinds of partisans?"[3] Schmitt's prophecy has turned out to be true. Far from inaugurating a period of peace (the alleged end of history), the collapse of Soviet communism and the subsequent end of East-West conflict has seen the rise of new enmity between fundamentalist Islamic fringes and the West, whose irregularities and absoluteness are greater than those of "old" partisan wars. While before 1989 the war theater was limited to the territory to be

1. Carl Schmitt, "The Theory of the Partisan: Intermediate Commentary of the Concept of the Political (1963)," in this issue of *Telos*, pp. 68-69.

2. The "Real Christian Army" was the Bourbon partisan army which, under Cardinal Ruffo's guide, freed the Italian South from the French occupation and the Neapolitan Jacobins. See V. Ilari, P. Crociani, and C. Paoletti, *Storia Militare dell'Italia Giacobina*, Vol. II, (Rome: S.M., 2001), p. 865.

3. Carl Schmitt, "The Theory of the Partisan," *op. cit.*, p. 68.

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defended (or liberated), which explains why Ho Chi-minh never planned to extend the war to Paris or New York, Al Qaeda has not respected such limitations.

II

Schmitt claims that the modern partisan was born with the Spanish anti-Napoleonic *guerilleros*, who, since 1808, waged an irregular war against the state and the French army organized by Napoleon for a new revolutionary way of fighting. This account, however, needs to be modified on the basis of what Schmitt mentioned more than once, i.e., that what characterized the French army — initially republican, then imperial — was that it was made up mostly of draftees. In other words, it was a popular army. Thus, its fundamental differences from the professional armies of the European monarchies generated a new type of war. Clausewitz saw clearly that revolutionary Napoleonic wars were much closer to the "ideal type" of absolute war than to the limited conflicts of the *ancien régime*. At that time, universal conscription was the consequence of revolutionary democracy and, in part, of the Napoleonic regime. As Marx wrote, the French army was the "civil code" marching on: "patriotism was the ideal form of the feeling of property."[4] The new way of governing and the institutionalization of various political and social relations had generated a new way of fighting, which immediately turned out to be much more effective than the previous one. For over twenty years, European royal armies were systematically defeated by the French ones. The only exception to this series of failures between Valmy (1792) and the Russian campaign (1812) were the partisan wars that exploded in Southern Italy (1799) and then in Spain (1808). The latter were similar to the wars carried out by the French armies. They were revolutionary people's wars neither framed nor organized by the state: the fighters were not part of a regular army and thus belonged to no state organization.[5] Temporarily managed by French sympatizers (*afrancesados*), the state was extraneous to them, because it was in the hands of collaborationists. As Benedetto Croce wrote, the war was fought with extraordinary ferocity against both external and internal enemies.[6] As an essentially religious war, it took on, even in spirit, an absolute form. Thus, its involvement and intensity were much greater than in previous wars. In some sense, such counterrevolutionary partisan wars were symmetrical reactions to revolutionary wars: a war (and an army) of *regular* people was confronted by a war (and an army) of *irregular* people.

4. Karl Marx, *The 18th Brumaire of Louis Bonaparte* (New York: Die Revolution, 1852); Italian tr. (Rome: Editori Riuniti., 1977), p. 18.

5. According to historical research, of over 30,000 men that Ruffo organized in June 1799, 90% were irregulars. See Ilari, Crociani, and Paoletti, *op. cit.*, p. 901.

6. "As Tocqueville was among the first to recognize, Jacobinism was a religion. . . . On the other hand, the old and superstitious religion . . . sparked once again . . . a war that was one of the most ferocious of religious wars." See Benedetto Croce, *Storia del Regno di Napoli* (Bari: Laterza, 1944), p. 236.

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III

Clausewitz saw clearly that the first consequence of a people's war was to guarantee a significant advantage to those who waged it. Thus, this kind of partisan war was a power *multiplier*, because the energies it generated were not available for other types of war. The moral factor can be mobilized only by this kind of struggle. Often, however, this struggle becomes indispensable. Especially after losing a battle, a government that signs a peace treaty without "encouraging all residual energy, always commits a serious error out of weakness."[7] No matter how decisive the defeat, it is necessary to appeal to the people's war for help. In partisan wars, the effort is the "product of two inseparable factors: disposable means and willpower." In the case of disposable means, partisan movements usually have access to fewer means than those available to their adversaries. This inferiority must be compensated by a greater amount of willpower. This is how the problem and the solution of asymmetrical wars were posed. Willpower is the result of the political intensity of the partisan's feeling of hostility. In this context, Schmitt writes that the only true totalitarian organization is the revolutionary party that directs the partisan war.[8]

Vattel, who wrote a few decades before the revolution, at the time of the regular and ordered wars of *ancien régime*, distinguished between public and private enemy, and criminalized the latter: "the enemy is the one against whom one is in open war. The Latins had a particular word (*hostis*) to designate the *public* enemy, and they distinguished it from a *particular* enemy (*inimicus*). Our language has only one term for these two kinds of people, who, however, must be distinguished. The *particular* enemy is someone who wishes us the worst, who takes pleasure in it; the *public* enemy makes claims against us and upholds his rights, whether real or not, by the force of arms. The first is never innocent; he nurtures in his heart animosity and hatred. The *public* enemy, on

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7. Carl von Clausewitz, *On War* (Berlin, 1832), tr. in Italian by A. Bollati (Milan: Mondadori, 1970), p. 637.

8. Schmitt elaborates a very similar thesis, albeit in an altogether different problematic context — the description and evaluation of the Nazi state — in his essay "Staat, Bewegung, Volk. Die Dreigliederung der politischer Einheit," in *Der Deutsche Staat der Gegenwart* (Hamburg: Hamburg Hanseatische Verlagsanstalt, 1933), in which the movement is the decisive and politically active element of the Nazi political organization. In this sense, the best account of a civil war applicable to partisan wars has been provided by Montherlant's in the prologue to the drama *The Civil War*: "I am sick and tired of these dummies who look at each other on two fronts, as if these fronts were their stupid national wars. I am not the war of trenches and battlefields. I am the war of ferocious squares, of prisons and streets, of neighbor against neighbor. . . . I am the good war, the one where one knows why one kills and who gets killed. The wolf devours the lamb but does not hate it. The wolf, however, hates the wolf." Montherlant's hate is a feeling of absolute hostility. It is the key for the success of partisan and irregular wars. It is here that they appear in absolute opposition to the principles of classical international law. See Montherlant, *La Guerre civile*, Italian tr. by P. Buscaroli (Turin: Fogola Editore, 1976), p. 29.

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the other hand, need not be moved by hateful feelings, nor wish us bad, and he only seeks to uphold his rights."[9] The partisan nurtures his own commitment to a feeling of absolute and primordial hostility; he is not a state representative and wages an irregular war.

IV

In opposition to the partisan wars' tendency to reach the extremes of absolute war, there is the partisan's telluric character: he turns hostility into an essential defensive instrument. At the time of his appearance in modern history, neither Cardinal Ruffo's insurgents (*lazzaroni*) nor Empencinado's *guerrilleros* thought about attacking or invading France after having freed their own countries. If, as Schmitt writes, the partisan becomes the tool of a global revolutionary movement, this telluric character is lost or diminished in a strategy seeking not the country's liberation, but the elimination of a global enemy. Where the partisan stays within his own territory, the limited *political* objective, i.e., the country's liberation, reduces conflictuality's more dynamic elements, thus limiting war.

V

In the new terrorism, the partisan's "constants" outlined by Schmitt are either changed *quantitatively*, thus remaining essentially the same, or they are changed radically. Irregularities become even more *irregular*. In this respect, it is necessary to clarify that in Schmitt's thought the concept of *regularity* is not to be related primarily to a *norm*, but to an *institution*[10] and to *ordering*. While insurgents (*lazzaroni*) and *guerrilleros* operated as the irregular troops of legitimate sovereigns of Naples and Spain (even if in exile), modern terrorists have no connections with any state reality. Cardinal Ruffo reconquered Italy's South on the basis of regal *commissio* and with the powers of *alterego*[11] concerning the

9. Emmerich de Vattel, *Droits des gens* (Paris: Guillaumin et C. Librairies, 1863), Book III, Chapter V, ¶69.

10. Concerning fundamental categories of juridical thought, of which right can be decision, norm or institution, it is always all of these things, a presupposed concept overrides the rest. See Carl Schmitt, *Über die drei Arten des rechtswissenschaftlichen Denkens* (Hamburg: Hanseatische Verlagsanstalt Hamburg, 1934).

11. The Diploma was put out by Ferdinand IV on January 25, 1777. The King authorized the Cardinal to use both disbanded soldiers and civilians: "Thus, with respect to military force and having to presume that there is no *regular rule*, it will be your responsibility and the main objective of your commission to employ every means and all energy so that any kind of military body can be reorganized, whether it be made up of disbanded soldiers or diserters, which in their homeland would reacquire the courage and the soul that has distinguished the brave corps of Calabrese in the recent confrontations with the enemy; or also of those good and well-thinking inhabitants that the exposed sacred reasons lacking valid defense, such as national honor, can lead to take up arms effectively." See M. Battaglini, *Atti, proclami ed altre carte della Repubblica Napoletana 1798-1799*, Vol. I (Chiaravalle Centrale: S.E.M,, 1983), p. 1401-1404.

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conduct of war granted by King Ferdinand IV as the Kingdom's "General Commissar and Vicar." In *On War*, Clausewitz sees the people's war as an extreme resource in the hands of legitimate sovereigns — something to use in support of the regular army. Schmitt's "interested third party" carries out the same function, whereby the partisan's irregularity is related to state regularity and finds a principle of recognition, even an international one.

Another jurist, Santi Romano, claimed that, even without any connection to state authorities, the revolutionary party constitutes an institution. More precisely, it constitutes an embryo of a state institution, because it had the needed elements (population, territory and political direction, i.e., government) even if fluctuating and uncertain.[12] As an institution, it was a juridical phenomenon and a creator of "regularity." What Romano wrote concerning the revolutionary party applies also to partisan movements. Both those engaged in the construction of a *new* state and/or in freeing their own country from foreign occupants denied neither at the time nor in the future the state perspective (the *institution*). Thus, the old partisan's *irregularity* has always been relative, both with respect to the institution as well as rules.

In the most extreme figure, i.e., Al Qaeda terrorists, new partisans have gone much further in their irregularity. They know neither territorial limits (the war theater has nothing to do with the paddy fields of Indochina or the Balkan forests, but with the entire planet), nor any distinctions between belligerents and neutrals. They do not even seem to seek to achieve state status (i.e., to constitute a new state); and what is most striking is that relations with the territory and the population are either altogether lacking or greatly diminished. Along with the organization (the political direction), these relations were the embryonic elements of a state *in fieri* that Romano saw in the revolutionary movement. While the Palestinian terrorist movements still have a connection with the population and the territory, this seems altogether lacking in Al-Qaeda.

VI

As for the absolute character of political engagement and the feeling of hostility, the surprisingly laic answer to the inquisitor's question that Schmitt attributes to Joan of Arc,[13] and which ultimately could have been the same for a good part of the guerrillas of the last two centuries, is no longer valid. Instead, a member of Al Qaeda would answer that God is with him and Westerners should be exterminated (or converted). The intensity of the hostility that derives from the religious reference and from the lack of telluric limits is what draws this position closest to absolute war. De Maistre held that an army claiming to be led

12. See Santi Romano, *Frammenti di un dizionario giurdico* (Milan: Giuffrè,1947), p. 220ff.

13. "The Theory of the Partisan," p. 54: "If God loves or hates the English, I do not know. I only know that they must be thrown out of France."

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by God has a power "supplement" and the killing of the enemy is generally considered an honorable act.[14]

Because of the *evanescent* or *inexistent* relation with the territory and the population, a *reduction of vulnerability* must be added to the power *multiplier* constituted by the religious reference. According to Sun-Tzu, since it has no form, modern terrorism is all the more able to conduct war. At the same time, the feeling of hostility has become more intense.[15] Its most evident sign is the "new" partisan' shift from the telluric to the global dimension.[16] In some of its proclamation, Al Qaeda clearly advocates absolute hostility.[17] The "new" partisan is characterized by the absence of limitations, the absolute nature of his hostile feelings, the evanescence of form and very little vulnerability.

VII

The last pages of "The Theory of the Partisan" betray Schmitt's pessimism concerning new types of enmity, the enemy and war: "enmity . . . is no longer directed against an enemy, but now all that is needed is a presumed objective imposition of the highest values for which, as is well known, no price would be too high. The denial of real enmity paves the way for the destructive work of

14. Joseph de Maistre, *Soirées de Saint-Petersbourg* (Paris: 1821), 7th colloquium, Italian tr. (Milan: Rusconi, 1971), p. 384: "Explain to me why, in the judgement of the whole human kind without exception, there is nothing more honorable than the right to let *innocent* blood flow *innocently*." Yet, to a great extent, one must take into account that de Maistre's judgement is related to "classical" war.

15. Sun-Tzu holds that, when confronted with the enemy, one has to slim down: one has to become "much more slim, up to the point of losing all form: to dematerialize oneself up to the point of losing all sound! Only in this way we will be able to become the arbiters of the enemies' destiny." This is because "the enemy *manifests a form and thus becomes human*. I, instead, lack all form." "Thus, as for the form of military action, i.e., in war, he properly *emphasizes the lack of form*." From this he concludes that "as for military action, this form is like that of water." See Sun-Tzu, *L'arte della guerra*, tr. by R. Padoan (Rome: Sugarco, 1980), p. 66ff.

16. According to Santi Romano, what makes the revolutionary movement "institutional" are those elements and conditions that guarantee it; i.e., precisely what for Sun-Tzu betrays weakness and vulnerability in war. See Santi Romano, *Frammenti di un dizionario giuridico*, *op. cit.*, pp. 220; see also Sun-Tzu, *L'arte della guerra, op. cit.*, p. 66. Obviously, the difference of opinion depends on the jurist's and the military theorist's perspective, and could provide interesting indication concerning the relation between law and war.

17. The strongest hostility — almost "ideal-typical" — of a people's war is what Tacitus attributes to Calgacus, the chief of the Britons that rose against the Romans in "Agricola's Life." This is how Calgacus describes the Romans in a speech: "World predators: if there are no lands to plunder, they search the sea. If the enemy is rich, they are greedy; if it is poor, they are arrogant. Neither the East nor the West will ever be able to satisfy them: the only ones among all men, they succeed in being equally greedy of wealth and poverty. To pillage, kill and rob, they subsume under the name of Empire; and where they create a desert, they call peace." See Tacitus, *De Vita Iuii Agricolae liber*, tr. by G.D. Mazzocato (Rome: Newton-Compton, 1995), p. 102.

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absolute enmity." In addition to this tyranny of values, concerning which a year later Schmit wrote an essay with the same title, another circumstance, decisive for the Schmittian concept of law, characterizes the new war: the lack of connection with a state, i.e., the form *par excellence* of the political in the modern era.

To a great extent, the state and modern international law have succeeded in reducing hostility (and the resulting damages), not so much through rules, but because the subjects were properly constituted.[18] As Schmitt wrote in *Verfasslungslehre*: "the fact that the government of an ordered community is something different from a pirate's power cannot be understood through the concept of justice, social utility and other normative entities, *because to all these normative entities even the marauder can acquiesce*. Rather, the difference consists in the fact that every true government represents the people's political unity — not the people in its national existence."[19] But if there is no institution (structured, recognizable and ordered), power is like that of the pirate. If war was carried out in terms of classic international law, it was such precisely because it presupposed as possible contenders and titulars of the *jus belli* — as *justi hostes* — only subjects like the sovereign state. This result was achieved because "conventional war" was a "large-scale duel" between equally proper subjects. If one takes away from them those elements that constitute them, it does not seem possible to carry out a proper war or achieve a proper peace. A political subject without a territory, without ties to a population and with a "mobile" command structure, is, following Sun-Tzu, the ideal combatant, but the worst peacemaker. As such, over 40 years ago Schmitt was right about the future and the outcome of the new irregular wars.

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18. In "The Tyranny of Values" — dedicated primarily to the analysis of German jurisprudence after the promulgation of the *Grundgesetz*, Schmitt wrote: "the theory of value celebrates its triumphs, as we have seen in the debate concerning the question of the just war. This belongs to the nature of things. *Every concern for the enemy disappears or, rather, is transformed into a non-value, when the battle against this enemy is a battle for supreme values*. Non-value has no rights in front of value, and no price is too high for the imposition of the supreme value." See *Die Tyrannei der Werte*, tr. by Sisanne Forsthoff and Franco Falconi (Rome: Antonio Pellicani Editore, 1987), p. 71.

19. Carl Schmitt, *Verfassungslehre* (Berlin: Duncker & Humblot, 1970), p. 212.

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Germany in Decline[1]

Pierluigi Mennitti

Last October, after many special issues on the structural crisis of German economy, *Der Spiegel*, the undisputed bible of the social-democratic intelligentsia, including Chancellor Gerhard Schröder, came up with a shocking cover: against an institutional purple red background, the historical characters of the heading were reused to spell out an eight-letter word: *Reformen*. In other words, there was no way out — either the system reforms or it will be the end. The magazine has been almost the only one to have conducted for years a steady campaign for changes: it has analyzed and explained the need for structural reforms both to its readers and to the political elite. It has maintained its position even when confronted with the uncertainties of the friendly government and the resistance of the red-green electorate. After cuts in unemployment compensation, the recent bipartisan agreement between the majority and the opposition on the *Reformpaket* — the proposed tax cuts and welfare reforms — is an important step toward economic recovery. In the midst of serious political conflicts, the government and its opposition have acted courageously to restore to the German system the luster it has lost. It remains to be seen whether other steps will be taken to tune up what was once the European engine. The last year of German economic and political life has been characterized by the already acknowledged decline. After the fears and anguish of 2002, Germans have learned to live with this decline, almost resigned, with a kind of philosophical detachment, to the loss of old certainties — and with the temptation to go on a buying spree. Germany may no longer be Europe's locomotive, but at least it will be possible to enjoy that much well-being that half a century of the "economic miracle" has brought about. The integration of the former East Germany will never be seen as an economic success story, yet one can at least find comfort in that wave of *Ostalgie*, i.e., the nostalgia for the communist years, which seems to inundate the entire country with films, books, commodities, cabaret spectacles, and TV programs: a longing for a better real-socialist youth by now unemployed and disillusioned middle-agers, who have all too fast hung up their dreams and marched away from the safe times when there were no responsibilities, as depicted in *Good-bye Lenin*.

In order to tell the real story of "Germany in decline," it is more useful to read between the lines of this strange country domesticated by a Schröderian daze

1. Originally published in *Ideazione*, Vol. 11, No. 1 (Ferbruary 2004), pp. 53-58. Translated by Federica Franzè.

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than to simply trot out the numbers, data, statistics and industrial strategies — the approach *Der Spiegel* has followed for several years. Not surprisingly, the latter approach has yet to find interlocutors willing to take on such a huge challenge.

This seems to be a country that has changed fundamentally over the past decade. It is as if a new man, a new German, has come out of the long process of reunification. But, far from performing the extraordinary task of cementing a country as a way of cementing the entire continent (the dream of Helmut Kohl, not accidentally the country's unacknowledged father), he has chosen to jump back into the pre-1989 era. It is as if he wants to cling to a state that does not renounce welfare generosities; rejects the harshness of contemporary challenges, metaphorically locks itself in an old apartment in East Berlin, building around itself *papier-mâché* sceneries reminiscent of the good old times, while everything else around changes drastically. Thus, this German metaphor becomes the European metaphor, and the clever Wolfgang Becker's widely acclaimed film *Goodbye Lenin* becomes the model of a *Europe in decline*.

Economic Decline

In this Germany, which has invented a kind of *dolce vita* in reverse, not related to an economic miracle, but to the decline it refuses to confront, economic figures lurk in the background in all of their bluntness. For more than a year now, minus signs have been appearing next to so many of the driving sectors of the German industrial machine. Since that time, none of these minus signs have been substituted by positive ones: more than four million people are still unemployed, and the export recovery is still limited by a strong Euro and high labor costs — which make German products too expensive. Salvation can come only from recently accepted reforms and from new and even more radical initiatives.

While economic crises can be cyclical and transitional, Germany's decline is inscribed in the DNA of its social and economic model: that *Modell-Deutschland*, which came to be identified with a Rhine-style capitalism predicated on slow but constant growth, a consensus concerning industrial decisions, broad and efficient state aid, and social harmony. This model, however, no longer holds up when challenged by the competition of 21st century aggressive and dynamic global economies. Europe dreamed of constructing its own economic system around the social model of the German market. It thought it had found the golden middle between the frantic twists of American turbo-capitalism and the rigidity of European state systems. Suddenly, the rise of the young Asian tigers, the increasingly heavy weight of two global giants such as Russia and, most of all, China, and the surprising performance of formerly poor East European relatives have thrown doubts on the very essence of the *Modell-Deutschland*-based European model. Since then, Germany has had to put up with the Brussels Commission's shameful reproaches for having exceeded a deficit of over 3% of its GDP deficit; and it has had to ask for dispensations from the stability pact agreed upon when laying

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down the criteria that ultimately led to the adoption of the Euro: along with France, it has had appeal to safety measures from Ecofin during the semester the EU was under the Italian presidency. This balancing exercise that the Chancellor pulled off with great fanfare went unappreciated by an electorate accustomed to see stability and security in the economy's inflexibility. Now, however, if the Franco-German axis is to be Europe's engine, it must not get stuck.

The Geopolitical Decline

In addition to Germany's economic decline, there has been an almost incredible loss of its geopolitical role. This is not due to the epochal twists that have upset Cold War balances, as it happened with France, but to the current government's political clumsiness. In six years, Germany's prestige has fallen to the bottom of the continent, precisely when its prevailing conditions should have given it the pivotal role in European unification. The day after the fall of the Berlin Wall, it seemed as if Europe was confronted with an inevitable German destiny. In order to contain and direct this process, which for many Europeans awakened the uneasiness tied to tragic 20th century experiences, the leaders of other Western countries accelerated European unification, embroiled the German Mark in the monetary net, which later generated the Euro, and saw to it that German reunification and the inevitable *Drang nach Osten* involved all of Europe. Helmut Kohl guaranteed that Germany's new geopolitical centrality would serve the European cause, and nudged all other leaders toward an active vision of the role of the continent in the new, fascinating sceneries that were opening up after the fall of East European communist regimes. Schröder's Germany rejected this mission, refusing to follow this path that would have given Germany and Europe a strategic role in a globalized world. The rediscovered Franco-German axis proposed once again, in an altogether different scenario, the old Cold War dichotomy: economic leadership for Germany and political leadership for France. It is the *papier-mâché* world of *Good-bye Lenin*. Everything around has changed, Berlin is groping in its economic crisis and Paris is struggling behind its lost grandeur. Asiatic globalization has forced the emergence of new countries and new challenges, while Islamic terrorism is setting the Arabic powder kegs on fire, threatening the West's very essence in the process of challenging American leadership.

Kohl had already prefigured for Germany a guiding European role by providing both support and an alternative to the US: in the name of Europe, Berlin would have shared with Washington the responsibility of redesigning world balances adequate to globalization. Schröder abrogated these ambitions and, by delegating to Chirac the task of vindicating old European dreams, took the dead-end road of a devastating opposition to the US. He incited pacifism among his people, encouraged the anti-American demagogy smoldering under the ashes of a depressed country, and departed from history without any regrets.

The young democracies of Central and Eastern Europe suddenly found

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themselves displaced within the void that opened up in the West. They did not find awaiting them a Germany aware of its historical role, but a self-doubting and distracted country, which sought refuge in the conservative myth of French hegemony (the updated version of Charlemagne's Europe). This is how the new Europe was born, in contraposition to France and Germany: at the crucial moment of their joining the European Union, the countries that were once satellites of the Soviet Union avoided the suffocating hug of a Europe they did not understand (and that did not understand them), and saw the US as a reference point, with all the gratitude due to a country which, when all is said and done, had freed them from communist oppression. The continental axis' shift toward the North-East no longer finds Germany alone at the center: what seems to prevail is a Baltic area understood in its more Northern sense, with Scandinavia ready to absorb with a greater dynamism the opportunities that the new neighbors can offer. In the expansion game, arctic Europe competes with Carolingian Europe, strengthened by a greater economic vitality (with an already reformed welfare system) and a more aggressive geopolitical sense (less presumption and more diplomacy in dealing with the political elites of Central and Eastern Europe). Had the Scandinavian countries had a GDP like Germany's, France's political tradition, and a more central geographical position, they could really have led the EU into the new century.

The Cultural Decline

By itself a weekly magazine, even as authoritative as *Der Spiegel*, is not enough to shake the stagnant waters of the German intellectual world. This may also be due to the fact that the critique of *Der Spiegel* never goes beyond the limits of a cautious reformism. In Germany, it is acceptable to question the welfare system, as long as there is no mention of the American model, even if the experts predict that the next recovery will benefit most the countries whose economies pay more attention to the American than to the Euro-continental model. Furthermore, no one must mention the lost role in international affairs in a context characterized by a consensus in supporting the government's opposition to the way the US fights terrorism. Unlike France, Germany does not have a Nicolas Baverez willing to arouse public opinion by seeking to force the elites to think about the real decline.[2] No book entitled *L'Allemagne qui tombe* has seen the light in German bookstores. On the contrary, for months the fatherland of Kant and Hegel, Goethe, Mann, Böll and Grass has kept at the top of its best sellers list a book by the third-rate American writer Michael Moore — a movie director and author of a debunking biography of George W. Bush — claiming to reveal who knows what kind of secrets. Explaining the new anti-American wave in terms of an alleged exposé, German culture has followed uncritically the predominant political tendency and has fallen asleep contemplating its navel. This is not necessarily bad, had it not

2. Nicolas Baverez, *La France qui tombe* (Paris: Perrin, 2003).

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also evaporated in the regrets of the past, in that black hole of nostalgia bemoaning the loss of all walls. The only thing inundating German bookstores and movie houses these days is the intellectuals' apparent effort to digest reunification. In reality, this laborious maneuvre has failed, if one can judge by, e.g., the success of Claudia Rush's *My Free German Youth* — a book recalling her happy adolescence in East Germany, interrupted only by the fall of the Wall. Such a comforting view of the past is also reassuring for the other half of Germany, which has never experienced directly the sorrows of communist totalitarianism, but associates the uncertainties of the last decade with the consequences of reunification. But nostalgia for lost time is the disease of a senile Germany. Francis Fukuyama was not completely wrong: there is at least one place in the West where history has ended. It is called Germany. If nothing happens soon, it may be necessary to think twice before entrusting this country with the destiny of the New Europe.

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The French Syndrome[1]

Ludovico Incisa Camerana

Every now and then, France looks in the mirror and does not like what it sees. At that point, it begins a critical self-examination, sometimes only within the intellectual realm or, more precisely, within the literary field; at other times, it causes crises with repercussions throughout Europe. Obviously, such critical self-examinations ring a bell. But before analyzing more recent events, it helps to remember previous instances, beginning with the May 1958 crisis, and the troubled transition from the IV to the V Republic. In France, WWII left permanent, monumental, and unerasable traces, such as the bunkers on the French side of the English Channel. The higher standards of living were counterbalanced by a greedy way of doing things: a careless, monotonous one that seemed based on a still conspicuous but rapidly eroding rental income, rather than on the fruits of labor and enterprise. France clung to its overseas Empire with Algeria as its symbol, fearing to lose more than a jewel of the family heritage: its very historical identity.

Confronted with these prospects, the various parties' ideology dissolved into an ordinary transformism. The Catholics of the popular Republican Movement, the Socialists, heirs of the traditional branch of *Section française de l'Internationale Ouvrière* (Sfio), the Gaullists of the *Rassemblement*, and a plethora of smaller coalitions, such as François Mitterand's UDSER (*Union départamentale de Elus Socialistes et républicains*) and other independent groups, all rotated around a center still embodied in radicalism — the Republic's laic religion. Outside the system, a communist party, bluntly Stalinist, yet consistent, sought in vain to take advantage of France's colonial misfortunes. The situation was so discouraging that a respected journalist, Jacques Fauvet, wrote that "French political parties are not contemporaries with each other. Some of them belong to the Stone Age, others to the Atomic Age. There are some fossils, whose species reproduce after life has abandoned them. There are some vertebrates that resist the worst tests, mollusks that do not react to any, a Marxism that devours raw meat, and a ruminant Marxism."[2] These ideological gaps were bridged during the formation of new governments, through the flattening of minimal programs and the postponement of fundamental decisions.

The administrations of the IV Republic vascillated between the liquidation of the colonial empire and its preservation, an imperial isolation and Europe,

1. An earlier version of this article appeared as "Sindrome Francese," in *Ideazione*, Vol. 11, No. 1 (Ferbruary 2004), pp. 20-34. Translated by Federica Franzè.

2. Jacques Fauvet, *La France déchirée* (Paris: Fayard, 1957), p. 116.

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fear of Germany and an agreement with it. In reality they no longer had a national plan, or, as De Gaulle put it, "a particular idea of France."[3] Actually, they had no idea of France at all. The intelligentsia did not have any idea of France either. With the excuse of being in a "fifth rate country and in a long gone epoch," leftist intellectuals were more concerned with defining a personal lifestyle than with developing a national program.[4] For the intellectuals of Sartre's generation, the "private," which in existentialism had become folklore and a tourist attraction, found in anti-Americanism an obsolete alibi for a revolution yet to come. The intellectuals' party lined up behind an elite position, which boiled down to the refusal to articulate a precise objective that was nothing more than "a good excuse to cook in the fat stew of conservatism."[5]

Over this unstable country, General De Gaulle cast the messianic shadow of someone who, even if reserved and severe, having transformed France's defeat in WWII into a victory and brought the country back among the great powers, remained capable of any miracle. French intellectuals' critique of the IV Republic and their hostility toward the Algerian War provided them with temporary legitimacy. Yet, the project proposed by the weekly magazine *Express* to form a government run by a few enlightened people under the guidance of Mendès France — the only political man willing to begin decolonization — was not convincing. Such a political proposal, coming from a kind of De Gaulle of the Left, was actually pessimistic and unattractive, lacking a definitive direction: it was neither imperialist nor post-imperialist, neither European (it would later attack the European Defense Community) nor anti-European, neither modernizing nor the opposite, neither technocratic nor anti-technocratic. Thus, every time the counter-myth of Mendès-France contraposed itself to De Gaulle, it dissolved like a soap-bubble by revealing its inconsistency.[6]

Even Algier's colonial military, which had ralied behind General De Gaulle, lacked any realistic program. Obsessed by the psychosis of a West under siege from Soviet Marxism and the Third World — a kind of mystical mentality typical of Pompei's sentinels — the centurions of the "*Armée d'Afrique*" longed for a North-African military citadel, separate from an inattentive mother country. It was to be a new crusading state governed by modern Templars — an absurd romantic dream, which through mutinies and revolts, accelerated the end of French Algeria. De Gaulle played one against the others. He bewildered Mendès

3. Charles de Gaulle, *Mémoires de guerre. L'Appel 1940-1942* (Paris: Plon, 1954), p. 5.

4. For an excellent account of the intellectuals' lifestyle, see Simone De Beauvoir, *Les Mandarins* (Paris: Gallimard, 1954), p. 487.

5. Herbert Luthy, *La Francia contro se stessa* (Bologna: Il Mulino, 1956), p. 510.

6. Mendès-France's political project appeared four years later in an essay, *La République moderne* (Paris: Gallimard, 1962), which outlines a Saint-Simonian philosophy in terms of "democratic planning." Even more belated was the modernizing manifest drafted by the director of *Express*, Jean-Jacques Servan-Schreiber, *Le défi américain* (Paris: Denoël, 1967).

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France's intellectuals and was backed up by great experts, such as the Catholic François Mauriac and the ex-communist André Malraux. He was denounced by the new military crusaders, but he gained the support of technical officers with the promise of a modern army able to play a significant role in Europe and the rest of the world once relieved of its colonial residues.

De Gaulle's premises were simple: to the extent that it lacked the financial means to achieve three important goals (the modernization of an army involved in bloody and frustrating military operations, the updating of the economic and internal administrative infrastructure, and the achievement of a hegemonic position in Europe), colonial France depended on the US political and military support. Only by rejecting the empire was it possible to realize this program. In order to evaluate the Gaullist project, it is enough to compare it with what happened during those years in England, a country that was also engaged, along with France, in a post-imperial transition, but in the process of entering a phase of decline and decadence, of moral and political stagnation, from which it did not recover until Margaret Thatcher's administration restored the sense of a new national mission some twenty years later.[7] Meanwhile, instead of losing its grandeur, De Gaulle's[8] post-imperial France managed to recover it. It became a self-confident country, able to dialogue with both the US and the USSR, and, without rejecting Europe, became its leader and forced it to march along with Paris. In 1963, fear of Germany was substituted by an alliance able to impose its will over other European countries, including Italy. However, along with England, which De Gaulle kept out of the Common Market during his tenure, Italy followed a stupid type of anti-Gaullism and rejected any association with the Paris-Bonn Axis.

The "Strange Episode" of 1968

De Gaulle ruled by renovating almost completely political and administrative structures, leaving behind even his own followers, thus shaking off the influence of traditional parties by introducing a new electoral system and reducing the of the communist party's parliamentary weight. The ruling structure of the Gaullist epoch became institutionalized in 1962, when Georges Pompidou, the head of the President's Cabinet, became Prime Minister, despite the fact that he lacked political experience (his background was in economics and administration, culminating in appointments in the State Council and the Administrative Council of the Rotschield Bank). Another typical representative of the administrative corps, Couve de Murville, became Minister of Foreign Affairs, and Giscard d'Estaing, a brilliant student of the *Ecole Nationale d'administration* (ENA), became Minster of Finance.

A decade later, however, there was a new self-examination. In March 1968, in

7. On England in the 1950s, see Michael Shanks, *The Stagnant Society. A Warning* (London: Penguin, 1961).

8. As Roberto Rocca put it in his *Le petit livre rouge du général* (Paris: La Pensée Moderne, 1968), p. 90, De Gaulle thought himself to be "the only European stateman."

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an editorial in *Le Monde*, Pierre Viansson Ponté declared that "France is bored." Indeed, "part of France is feeling sick. Everything appears fake and distorted." People "have the impression that they are being ripped off: their money, their votes and their good feelings are being taken away. Suddenly, they develop an allergy toward advertising agents, moralists and critics. They no longer heed calls for efficiency, expansion, and discipline: all they see is fraud and hypocrisy."[9]

This uneasiness coalesced with the young people's dissidence in the reaction to an educational reform proposed by the former Minister of Education Fouchet — a reform meant to turn the University into an appendage of the industrial system. It was a reform which set a negative example at the University of Nanterre. Situated in the sinister countryside of the Parisian periphery, in the midst of the various *bidonvilles*, it was a "cold, indifferent structure, with frightening, wide corridors," and nine hundred "anonymous, identical" rooms. According to Maurice Bardèche, "Nanterre announced the inhumanity of consumer society."[10] Within this context, the university became the incubator of a revolutioin, which, under the influence of the contemporary Chinese Cultural Revolution and Maoism, and the role that Maoism assigned to the young generation (the New Red Army), would have as its vanguard not the working class, but student power. This student power rebeled against everyone, dismissing as "old nuisances" the communist party's official poet, Louis Aragon, and the philosopher Sartre, both pursued in vain by the duet Mendès-France and Servan-Schreiber.[11] In the end, the movement, which according to Raymond Aron had become "a psychodrama, the caricature of a revolutionary comedy,"[12] lost its subversive power. The youth protests attracted supporters elsewhere. In France, it was reabsorbed by a social majority, disturbed by the pseudo-revolutionary uproar, after it was blocked by De Gaulle's ruling class. They won the political elections and replaced the general, who had resigned because he had been defeated in a referendum concerning reasonable, yet misunderstood constitutional revisions.

This class, selected through competition, held within the great university schools: the Politechnic, and the ENA. Without going through parties caucuses or unions, it has kept power until today: the real French two-party system came to be represented by right-wing *énarques* such as Giscard and Chirac, and those from the Left, such as Rocard, Fabius, and Jospin. Thus, the transfer of power, which began in 1981 with the election of Mitterand as President, did not involve any dis-

9. Pierre Rouanet, *Pompidou* (Milan: Longanesi, 1971), p. 232.

10. Maurice Bardèche, introduction to François Duprat, *Les journées de Mai 68. Les dessous d'une révolution* (Paris: Nouvelles Editions Latines, 1968), pp. 13-14.

11. The director of *Express* and the ex-Prime Minister ran for leadership in the name of a new "social contract." See Jean-Jacques Servan-Schreiber, *Le réveil de la France (Mai/Juin 1968)* (Paris: Denoël, 1968), and Pierre Mendès France, *Pour préparer l'avenir. Propositions pour une action* (Paris: Denoël, 1968).

12. Raymond Aron, *La révolution introuvable. Réflexions sur les événements de mai* (Paris: Fayard, 1968), p. 47.

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continuity in the national project. After all, the socialist president had understood the secret of Gaullism, whose genius "consisted in reawakening France by putting the French to sleep"[13] — a recipe that he skillfully applied. As Alain Besançon has written, the 1968 crisis remains today a "partially mysterious surprise": a surprise that, as Aron concluded a few days after the return to order, constituted "the strangest episode of French history, already full of strange episodes."[14]

Mitterand, or the End of French Hegemony

Thanks to a stabilized ruling class without any distinctions between Right and Left, De Gaulle remained the guiding light of the V Republic, inspiring not only his successors from the Right, such as Pompidou, Giscard, and Chirac, but also Mitterand, the only representative of the IV Republic who survived in the V Republic after having taken over a disintegrated socialist party lacking leadership, and having tamed a communist party characterized by "its executives' incredible intellectual mediocrity."[15] During the fourteen years of his presidency, Mitterand assumed the general's posture and the monarchical rituality of the solemn and spectacular gesture. He took up the ENA, "the army of the administration" and its protégés: "these inimitable characters that under a smooth face and an absent look hid the secret of power" — "those bearers of a Holy Sacrament, in which the state translates in a particular way of wearing one's tie, lighting a cigarette, walking on eggs, and setting up appointments, destined to remain hidden in those bars where everyone meets."[16] Nevertheless, he used the *énarques* as Prime Ministers and other officials, and ruled with dignity a modernized and efficient state, maintaining under the French-German axis the hegemony of France in Europe.

A new self-examination began in 1989. The fall of the Berlin Wall upset French diplomacy, which was based on a trade-off between West Germany's economic superiority and France's military superiority — a superiority due not so much to France's nuclear capabilities, but to Germany's need to have both US and French military aid to discourage potential Soviet aggression. The division of Germany was an obstacle to Bonn, limiting its freedom of action, while France could undertake diplomatic maneuvers forbidden to Germany, especially as far as European strategic choices were concerned. France's political and military superiority practically translated into oustanding profits obtained in defense of French agricultural interests and in Germany's acceptance of certain French initiatives, more prestigious than substantial.

The fall of the Berlin wall, the withdrawal of Soviet troops stationed in East Germany and the German reunification modified French-German relations, eras-

13. See Sebastien Bordenave, ed., *Les plus belles vacheries de François Mitterand* (Paris: Albin Michel, 2001), p. 11.
14. Raymond Aron, "Après la tempête," in *Le Figaro* (June 4, 1968).
15. See Bordenave, *Les plus belles vacheries de François Mitterand, op. cit.*, p. 106.
16. *Ibid.*, pp. 116-117.

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ing the added value of French political and military superiority. The disappearance of the parity between the two countries meant that the balance neatly shifted in favor of Germany, even if Chancellor Kohl pretended not to notice. This caused such a trauma in France that some experts hypothesized the possibility of a conflict between the two countries.[17] Fortunately, this deterioration of relations between France and Germany did not quite take place. Instead, the French governments took advantage of the difficulties encountered by the German government during reunification in order to get first from Bonn and then from Berlin a guiding role in governing Europe — a Europe, based, as stated at that time by Védrine, the former Minister of Foreign Affairs under Jospin's government, on the unity of the three largest countries, France, Germany and Great Britain.[18] In short, as soon as the French government realized that Germany did not want to take a hegemonic role in Europe, putting less effort than expected in penetrating Central and East European countries economically and politically, it sought to associate Germany and Britain with its own strategic priority: the containment of US dominance in Europe. The process should have been completed on the international level with UN support, contraposing the "multipolar, diversified and multilateral"[19] world formula to the unilateral tendencies attributed to the American "superpower." Such a plan turned out to be rather fragile. On the European level, Great Britain's position remained ambiguous and, at any rate, conditioned overall by the "special partnership" — the historical relation with the US. Still, within the European context, the triangle Paris-Berlin-London could not dictate any laws without the support of at least one or two other great powers in the extended Union. At the end, Chirac's opposition to the Iraq war was denounced by the "new Europe." One of the pillars of French grandeur, European hegemony, no longer has any solid basis.

Today's Dilemma: Is France Declining Or Not?

According to Nicolas Baverez, France is in decline. Hence, the need for a new self-examination, or for a historical self-critique, because France has also declined in the past, "in a brutal alternation of periods of decline and recovery."[20] The priority of social and political stability, and the fear of change have prevented France from adapting to the great international transformations, so that at the end of the 18th century England took the lead in the industrial revolution and, a century later, France was dethroned by Germany as the major European economic power.

Today, the diagnosis remains serious: "besides not having recovered from the oil shocks of the 1970s, France now suffers from the radical transformations

17. Philippe Delmas, *De la prochaine guerre avec l'Allemagne* (Paris: Jacobs, 1999).

18. Hubert Védrine, "L'hyperpuissance américaine," in *Les Notes de la Fondation Jean-Jaurès* 17 (Sept. 2000), p. 33.

19. *Ibid.*, p. 63.

20. Nicolas Baverez, *La France qui tombe* (Paris: Perrin, 2003), p. 11.

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resulting from the end of the Cold War, globalization and then the 9/11 terrorist attacks. Thus, it finds itself engulfed in 21st century crises, when it has not yet recovered from those of the last quarter of the 20th century, first and foremost, that of unemployment." Confronted with the major changes of the last decade of the 20th century, most countries, starting with the US, have rethought their diplomatic and strategic positions, they have modernized their institutions, and upgraded their politics with their economic and social structures. Instead of reacting dynamically, France has sought refuge in immobilism, it has barricaded itself behind the old formulas, "nuclear deterrance, a strong Euro, a French-style public service, and the French (cultural) exceptionalism."[21] Bavarez accuses France and Germany of clinging to obsolete social and economic models, of having ignored the structural character of the difficulties, and of tryng to justify itself by looking for scapegoats such as "globalization for France, reunification for Germany, immigration and Europe for both. . . . On top of it all, this has been accompanied by a ferocious resistance to changes of society's most conservative elements."[22]

From these premises Baverez presents an international geopolitical setting characterized by the confrontation between Islamic terrorism and the US. Islamic terrorism functions as an autonomous entity, favored, among other things, by the decline of secular ideologies, the reevaluation of religion, as well as the chronic failure in the Arab world to generate democracy and development. Confronting this threat, the US has responded in different unpredictable ways for different situations, displacing a French diplomacy predicated on the *status quo* and rigidity. Here, the risk for France is to swim against the current, since most countries adjust their political affairs to those of the US. "France knows what it does not want — US hegemony over all other democracies, or UK leadership in Europe — but it does not know what it wants." The result is "an unquestionable decline within a Europe itself in decline."[23] Baverez foresees regression even within the internal institutional and the economic framework: society is increasingly fragmented, and "France is becoming an industrial and entrepreneurial desert."[24] This is not an accident, since the decline "is never fatal, but always something wanted and planned." The real problem of the V Republic, which can be traced to an osmosis between political executives, high ranking officials and union leaders, i.e., between the Gaullist and post-Gaullist elite, is guilty of failing to elaborate "a global and coherent project of modernization and adaptation in order to adapt the country to the new post-Cold-War and globalized environment."[25] From this viewpoint, the current government follows the example of earlier ones, "without remedying the crisis threatening France and the French." In other words, it would

21. *Ibid.*, pp. 17-18.
22. *Ibid.*, p. 21.
23. *Ibid.*, p. 46.
24. *Ibid.*, p. 74.
25. *Ibid.*, p. 85.

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be the government of a 'declining France.'"[26]

The hope for renewal is entrusted to the energetic Right, *à la* Thatcher, capable of deploying shock therapy. Baverez' view emphasizes the darkest features, and contrasts the French economic situation with the French international position, which still remains the fourth world power after the US, Japan and Germany in terms of gross national product.[27] On the whole, France is rapidly adapting to globalization, to the point of being "one of the world's most globalized countries."[28] Rather, French uneasines has to do with culture and the conservation of national identity.[29]

The Moral Crisis

In full agreement with Baverez, Alain Besançon has emphasized the existence of a permanent danger in France: beginning with the most tragic phase of the French Revolution, the terror: a "revolutionary unit," which grows or contracts, while always remaining a minority, and which in the 1920s joined the Soviet communist core. The defeat of communism forced the French nucleus to nationalize and create a traditionally Jacobin class of "professors, journalists, and part of the entertainment world." In this guise, *gauchisme* conditions socialist governments and seeks to hinder the reform programs of the Center-Right, counting on prejudices it has succeeded in disseminating, thanks to its control of the mass media. According to Besançon, the only shortcoming in Bavarez' account is the neglect of the presence of Islam in France: a "problem with no solution."[30]

Noteworthy is the criticism of a former *gauchiste*, Max Gallo, whose pessimistic view, based on economic data, belies the ostentatious optimism of the political class.[31] However, he points out that by sticking to quantitative criteria Baverez overlooks an "essential aspect" of the national crisis, i.e., the "moral and psychological dimension" synthesized in a drastic expression: "France's soul is wounded." Thus, Gallo reverses Baverez' characterization of France's position concerning the Iraqi war as "a diplomatic failure," and discusses instead the French "feeling of national pride." The country needs a "reform" — a national "French" reform — which should disregard principles imposed from outside, and

26. *Ibid.*, pp. 100-101.

27. Two years ago, an American and a French expert pointed out that France was third in attracting foreign investments, and that, if anything, the problem concerns the secular contrast between the *Bonapartists* (i.e., the managerialists) and the *Orleanists* (i.e., the libertarians). See Philip H. Gordon and Sophie Meunier, *Le Nouveau défi français. La France face à la mondialisation* (Paris: Jacob, 2002), pp. 39-40.

28. *Ibid.*, p. 193.

29. *Ibid.*, p. 77.

30. Alain Besançon, "Réponse à Nicolas Baverez," in *Commentaire* 103 (Fall 2003).

31. Gallo had defended the leaders of the student movement and intellectual fellow-travellers from the Communist Party's accusation of complicity with the "great Gaullist conspiracy" seeking to trick the working class and "its" party "into the trap of insurrection." See Max Gallo, *Gauchisme, réformisme et révolution* (Paris: Laffont, 1968), p. 14.

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stay close to the "national" soul. But the problem of Europe remains. Gallo agrees with Baverez that "it is necessary to break the European deflation." Without a French solution, people will get used to decadence, and the moral crisis will remain.

More pessimistic than Baverez, and therefore more indulgent toward the rulers, Philippe Raynaud proposes to "change everything, so that nothing will change," while Patrick Jarreau argues that the problem lies with the anti-Americanism started by Mitterand, but shared by a Right jealous of its national sovereignty, and a "*no global*" Left opposing national interests (among other things, this group claims that the French and the American economies are complementary, primarily on the financial level). Actually, anti-Americanism plays an internal role by justifying the reactionary conservatism of a closed society: "the denunciation of American society's vices serves to hide its successes: the social virtues of openness, mobility and competition." According to Pascal Bruckner, at the root of French decline lies a conservatism which has adopted the language of the revolution. It is a kind of "reactionary neo-Bolshevism," hateful of progress and terrified by the "not fully understood" history. Bruckner also questions anti-Americanism, but adds some interesting remarks, such as the curious inversion of roles in the culture of work: "At the beginning of the 21st century, French masses gradually assume an aristocratic contempt for work, while the elites embrace with pleasure the slavery of work that was once reserved for plebeians." By appropriating work, the elites will take over the nation's destiny by excluding the masses. Bruckner also highlights another paradoxical predicament: historical pride, distrust of the future, the temptation to blame others for its own problems, Brussels, the US, globalization, neo-liberalism. Also alarming is youth emigration, to which one could add Jewish emigration provoked by a wave of anti-Semitism and by the passivity of the French Left. Bruckner concludes that a positive change can only come from the actual ruling elite, despite its understandable perplexity.[32]

D'Artagnan at the Pantheon

Baverez also started another much more complex debate concerning "How is France doing?[33] Answers vary. Some see a "big transformation" already taking place, initiated not by weakened traditional institutions (army, church, state, schools), but by an entrepreneurial, up-to-date class dynamic. Old ideologies, from liberalism to Keynesianism, from socialism to Gaullism, have to be remade. A "new positivism" will allow prefiguring "a new way of governing, a new bond between economics and politics." Others, like Alain Minc, see no way out, because government is still carried out in the old way. Under the pretext of pragmatism, this means to counterbalance opposites: privatize and nationalize, wink at some and

32. Max Gallo, "Une crise morale"; Philippe Raynaud, "Métamorphose du mal français"; Patrick Jarreau, "La société fermée et la fonction de l'antiaméricanisme"; Pascal Bruckner, "Remarques sur le déclin français," in *Commentaire*, *op. cit.*

33. Nicolas Baverez, *Regarde la chute et tais-toi*, in *Le monde* (Sept. 16, 2003).

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give gifts to others, to leave the whole social space to a state that is a mix of "a noble father and a brutal one." In spirit, Chirac would be a "radical socialist" in the III Republic style, yet, on the whole, he behaves like a Bonapartist, i.e., a "managerialist." The opposition is also imprisoned in the old-fashioned way of governing. The consequence is that France "goes from bad to worse, and the worst is still ahead." Less pessimistic about the economy, Daniel Cohen points out that France, Germany, Great Britain and Italy, i.e., the major European powers, are almost at the same income level. The problem is the political crisis, due to the fact that the distinction between Left and Right is rapidly fading. At any rate, for Cohen, the yet-to-be-made state does not exist, athough France has trouble accepting this loss.[34]

There are those who have called for a stop in the decline of the culture of work: "How many more points would there be in growth if every French would exchange half an hour of TV a day for half an hour of overtime?" According to Michel Pébereau, "the civilization of free time is a myth as unrealistic as that of the end of history or of clean war."[35] Still others, such as Lionel Stoleru, accuse Chirac of being wrong in calling for a "social dialogue." What France needs, instead, is a social reshaffling: "Lower France does not need to talk to higher France, it needs to find its place and occupy it." Yet, the question remains: which social elevator will raise it?" In other words, who will find the right channels to raise the position of the youth of the less privileged classes? Observing "the tepid, weak, obscure, and resigned climate of the recovery," Stoleru modifies the title of Viansson Ponté's famous article, "France is bored." Thirty-five years later, a more appropriate title would be: "France is stuck."[36]

Others[37] have emphasized specific aspects of the decline, rather than the existence of a general crisis. According to Duhamel, there is a nostalgia for politics: after ideologies failed, France is now waiting for new ones. In other words, today France finds itself in a pre-ideological situation.[38] For now, the debate is limited to the intellectual and ruling circles. May 1968 is long gone, along with its riots and the slogans of an angry youth, e.g., "power to the imagination," "struggle for a passionate life." The romantic and emotional awakening of this analysis of the decline has been so unacknowledged that a former US ambassador to Paris — a professional banker — has written that, assuming that France is still a major power, without a "strong and stable economy, there cannot be long term

34. Ernest-Antoine Seillière, "Le nouveau positivisme"; Alain Minc, "Le pire est devant nous"; Daniel Cohen, "Le declin français, une idée qui ne passe pas," in *Le Monde* (Sept. 9, 2003).

35. Michel Pébereau, "Et si on travaillait tout simplement," in *Le Monde* (Oct. 5 and 6, 2003).

36. Lionel Stoleru, "Les plongeons rentrés," in *Le Monde* (Sept. 26, 2003).

37. Alain Duhamel, *Le disarroi français* (Paris: Plon, 2003), and Marcel Gauchet, *La condition historique* (Paris: Stock, 2003).

38. Gérard Courtois, interview with Alain Duhamel, "Faire face au déclin de la France," in *Le Monde* (Oct. 3, 2003).

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solutions to these problems. A modern democracy must maintain a minimum annual growth of 3.5%."[39] At any rate, everything will depend on France's politics within the Atlantic and European context.

This debate has attracted other prominent figures. In an interview, the French Minister of the Interior, Nicolas Sarkozy, has acknowledged that political society is ten years behind civil society, and has admitted the minor role of France's current economic power with respect to that of the colonial era. "There is no will to remain a great country if its people do not have great ambitions." Worse yet, there is no job security: "No one today is sure that if he is born with a role he will die with it." In the same interview, the Socialist Party secretary, François Hollande, argues that the decline is not economic, but is due to "a crisis of results," because no matter how much governments change, the same problems remain: unemployment, deficits, social welfare. Hollande also points to "a crisis of democracy," because the republican model, "thanks to which the country has had its successes," no longer works as well as before. This crisis has two aspects: on the one hand, there is the abstention from voting by substantial sectors of clerical and blue collar workers; on the other, the treatment of ethnic minorities. The dialogue between the two politicians has revolved mainly around the second issue, concerning which they display similar uncertainties.[40]

The theory of decline does not affect the post-Gaullist mystique, which continues to follow constantly reiterated cultural paths. Thus, after having paid homage to Emile Zola and Victor Hugo, Chirac also elevated Alexandre Dumas into the Panthéon, rewarding the author for having contributed a work which " is part of our collective memory, and has participated in the edification of our national identity."[41] The national factor remains primary, and thus has to be evaluated in its positive or negative relation with the decline.

Deficit of Grandeur

The identity of a country is defined to the outside by its foreign policy. While not necessarily in decline, lately, French foreign policy has certainly taken on a low profile. On this terrain, France really risks decline. Thierry de Montbrial does not deny that there has been a decline. According to him, France has yet to recover from the 1940 humiliation. De Gaulle tried to restore French grandeur by proposing a three-sided directorate — the US, Great Britain and France — but failed, and remained unsatisfied with retaining primacy within Western Europe. German reunification and the EU enlargement have further reshaped France's

39. Felix G. Rohatyn, "De grands atouts, un rude et beau défi," in *Le Monde* (Sept. 19, 2003).

40. Edwy Plenel, "Hollande — Sarkozy: où va la France?" in *Le Monde* (Nov. 27, 2003).

41. Béatrice Gurrey, "Jacques Chirac célèbre un bâtisseur de 'notre identité nationale'," in *Le Monde* (Dec. 1 and 2, 2002).

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position; yet, its importance will depend on its contribution to the European framework.[42] The dilemma of French diplomacy is still that of acting through Europe or by itself. Daniel Vernet questions the charge that France is trying to build itself up through its antagonism to the US, but notes with satisfaction that it has succeeded, on the occasion of the Iraqi war, to eliminate a taboo: Germany's alignment on principle with the US.[43]

French-American relations have also been discussed in a public debate between the Foreign Minister, Dominique de Villepin, and the former socialist Prime Minister, Laurent Fabius. Villepin sought most of all to reiterate that France has "its own view of the world," that it defends convictions, ideals, and the principles of international order, which is what it sought to do during the Iraqi war. Although arguing against American involvement in the Middle East, Fabius defined anti-Americanism as "a lot of nonsense." Problems arise from the fact that "the French do not know the Americans very well, they do not understand them, and, similarly, the Americans do not always understand what France is about." But he fears that the US has changed its benevolent attitude toward European integration. Brazenly, Villepin points out that France is a military power: it has the strongest army in the world after that of the US, and provides substantial aid in the war on terrorism. Nevertheless, he cannot satisfactorily respond to De Gaulle's famous sentence: "I am on stage and I pretend to believe it. I let people believe that France is a great country. It is a permanent illusion."[44]

The question then becomes whether there is also a decline on the international level. The deficit of grandeur is not reversible. Yet, along with Germany, France plays an important role in the EU — a role which, even if not hegemonic, is at least conditioning. That became obvious when France, with the support of Italy's president, dealt a hopefully fatal blow to the Stability Pact which, if followed literally, would have accelerated the tendency to decline, not only of the two major European powers, but of the entire Union. If, as projected, France and Germany will relaunch growth and development,[45] France is likely to regain not so much of by a now crepuscular grandeur, but a role of practical and convenient guide for all, without any falls or slidings.

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42. Thierry de Montbrial, "Une diplomatie affaiblie par les paralyses économiques," in *Le Monde* (Sept. 18, 2003).

43. Daniel Vernet, "Le vieux dilemme de la diplomatie française," in *Le Monde* (Sept. 26, 2003).

44. Edwy Plevel, "Villepin — Fabius, Le débat sur l'Amérique," in *Le Monde* (Oct. 23, 2003).

45. Pascal Ceaux and Christophe Jakubyszyn, "Le plan franco-allemand pour relancer la croissance et l'emploi," in *Le Monde* (Sept. 18, 2003). In 1998, Jospin, Prime Minister at the time, contraposed market *economy*, which brings solidarity, to market *society*, which only generates wealth. The preference for the first was never followed up. See Henri Weber and Laurent Baumel, *La nouvelle alliance — un approche politique de la question sociale* (Paris: Plon, 2002), p. 41.

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